

I think most seniors understand that, sure, they would love \$250, but how does that work? When we total that all up, that is \$14.5 billion of debt which is going to be given to their children and their grandchildren to pay when those grandchildren and children already are getting a massive debt, almost \$50 trillion of unfunded liability just in Social Security and Medicare alone.

We have to ask ourselves: Should we put another \$14.5 billion on their backs simply to make a political statement? Of course not. But that was proposed.

Then a week ago, it was proposed that we should do a \$250 billion fix to reimburse doctors fairly. Doctors are not reimbursed fairly under Medicare. They are not. That is an interesting fact because if we look at all these proposals that are being talked about from the other side of the aisle, they are saying: Oh, everybody in America will have Medicare. That is a great idea. The fact is, Medicare does not reimburse doctors for what the real costs are. So a lot of doctors don't want to do Medicare.

The reflection of that fact is, they proposed the \$250 billion doctor fix. They didn't want to pay for it. That is a \$1/4 trillion. That is a lot of money. All that debt goes on our children's backs. Our children have to pay for that spending. That was the proposal that came from the other side of the aisle.

Fortunately, some folks on the other side of the aisle—I congratulate them, 12 Members on the other side of the aisle in the Democratic Party and one Independent—said: Wait a minute. We are going to join the Republicans on this one. You can't do this. This is not right. You cannot spend \$250 billion on fixing the doctors fix, which should be fixed, and then take that bill and give it to our kids and grandkids. You have to be more responsible.

Over the years, every year we have fixed the doctors fix. We have fixed it now for 10 years, and we have paid for it. But this was not going to be paid for.

These ideas for spending money and not paying for them have become fairly common around here. But the biggest item is clearly going to be this health care bill which is a brandnew entitlement representing \$1 trillion to \$2 trillion of new spending.

What is that money going to be used for? It is going to be used basically to create a new government-inspired insurance program to compete with the private sector in the area of supplying health care. That would be OK except for the fact that as the Speaker of the House has said, that government plan is going to be used to save money. There is only one way that a government insurance plan can save money: it has to underprice the private sector. How does it do that? It uses the authority of the government to set price controls. It uses the authority of the government to control procedures that people are able to get. It uses the au-

thority of the government to limit innovation because innovation is costly.

Inevitably because of that—price controls, controlling access to doctors and hospitals and procedures people can get, and controlling innovation—it inevitably deteriorates the quality of health care generally for the public.

Equally important, of course, under the scheme that has been developed that we have seen so far—although we have not seen the specifics because they are being developed behind closed doors on the Senate side. We have seen the House bill, but we haven't had a chance to read the 2,000-page bill. But the scheme that came out of the Finance Committee, equally important, the practical effect would have been that employers would have been encouraged to basically drop employees from their private insurance plan and cause those employees to migrate over to the public plan—intentionally, of course—through a whole series of activities which would make it much more practical for an employer simply not to insure people but to pay a penalty instead and put employees on a public plan.

There will be a natural contraction in the private insurance community because there would be a price-controlled government plan and a natural movement of people over to the government plan because the penalty for employers not insuring people is significantly less—at least in the HELP Committee bill—than the cost of insurance and, therefore, employers will look at it and say: It is cheaper to pay the penalty than insure the folks. So I will just pay the penalty and people can go over and get a public plan. They lose their insurance.

Mr. President, 180 million, 190 million people in this country have private insurance. They are pretty happy with their doctor and their health care. They may not be happy with the insurance company—most of us are not—but they are pretty happy with their doctors and their health care. If they are forced on to a public plan, that is going to put this bureaucrat between you and your doctor. It will mean if you have a government plan, you may have to call Washington to see your doctor.

It also means, as I said earlier, in order for the public plan to work and be cost effective in the sense of saving money, as the Speaker of the House says that is how she has to save money, it has to have price controls, it has to have control over access, it has to have control over innovation, all of which inevitably leads to delay and a lesser quality health care system.

The goal on the other side of the aisle—we all understand this because they have been public about this; there is no subtlety about it—is to move to a single-payer system where there is one insurer in the country, and that is the government.

The same group that is bringing us the swine flu vaccination program is going to bring us all our health care.

Think about that. We don't have to go too far for an example of how the government has a hard time managing fairly large issues of health care when it comes to the practical application of taking care of people who need assistance. All we have to do is look at what is happening in the swine flu program to recognize that the government may not necessarily, in all instances, do such a great job of delivering health care.

For example, today you cannot get your swine flu vaccination in most places in this country because it is not available. Yet that is the system which a large percentage of members of the other party seem to desire, a single-payer system where government supplies it much along the lines of what we see in places such as Canada and England.

I don't think it is healthy for you. I don't think it is healthy for patients. It is certainly not healthy for our children because it means they are not only going to get a lesser health care system, they are going to get this huge bill, this massive bill which is going to come out of this \$1 trillion to \$2 trillion increase in the cost of government.

It is hard to understand—it has to be intuitive to people, and I know it is to most Americans—that if we increase the size of government by \$1 trillion to \$2 trillion, we inevitably end up passing on massive debt.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. GREGG. I ask for an additional 1 minute.

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

Mr. GREGG. As I said, it has to be intuitive, and I know it is intuitive for most Americans, that if we increase spending of the government by \$1 trillion to \$2 trillion—and our estimate is this program costs \$2.2 trillion in fact—and we cut Medicare to try to pay for that, or we try to raise taxes to pay for that, we are like a dog chasing a tail. It never will happen. The two ends just don't meet. They just don't meet. And what happens to the part that doesn't meet? That is called debt, and it goes to our children. It is not appropriate to do that after we have already put so much debt on their backs, especially in the last few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

BIOFUELS AND THE EPA

Mr. GRASSLEY. Mr. President, last week, President Obama delivered a speech at the Massachusetts Institute of Technology on the environment and on clean energy. He made an appeal for congressional support for biofuels, wind, and solar energy, clean coal technology. Naturally, as father of the wind energy tax credit of about 18 years ago, I share President Obama's support for homegrown renewable energy. When the President was in the

Senate, he and I worked together to promote the production and distribution of biodiesel and ethanol. It is because of our common interest and shared support that I make an appeal today to President Obama.

The Environmental Protection Agency is currently reviewing a number of proposals that are incredibly important to our Nation's ability to reach its potential in terms of renewable fuel production. On September 3, I was fortunate to host EPA Assistant Administrator Gina McCarthy and Margo Oge, Director of the EPA's Office of Transportation and Air Quality, on a family farm in my State of Iowa. I was happy they accepted my invitation. It was a very good visit.

With the tremendous impact EPA decisions have on the family farmer, it seemed worthwhile for Administrator McCarthy and Director Oge to see American agriculture directly through the eyes of a family farmer. I also had the opportunity to share my concerns on many pending issues, and I believe these EPA officials were a welcome audience.

The first issue I am speaking about relates to the EPA's proposal to penalize biofuels for greenhouse gas emissions from supposed changes in international—I emphasize international—land use. I know President Obama is aware of my concerns because I relayed them to him personally over lunch at the White House on May 6 of this year. Their new renewable fuels standard, enacted in the year 2007, requires various biofuels to meet specified life cycle greenhouse gas emission reduction targets.

The law specified that the life cycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land-use changes. However, the proposed rule relies on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called indirect land-use changes. Under the EPA's analysis, ethanol produced from corn reduces greenhouse gas emissions by 16 percent compared to gasoline. However, if you remove the murky science of emissions from indirect land-use changes, corn ethanol reduces greenhouse gas emissions by 61 percent compared to gasoline—remembering that the other figure was just 16 percent compared to gasoline. So you can see what we know from science—sound science—is ethanol is very environmentally positive.

The EPA's models conclude that changes in international land use—again, emphasis upon international land use—contribute more in greenhouse gas emissions than the entire direct emissions of ethanol production and use. The fact is, measuring indirect emissions of greenhouse gases is far from a perfect science. There is a great deal of complexity and uncertainty surrounding this issue. That is why Senator HARKIN and I, along with 10 other Senators, asked EPA earlier this

year not to include calculations of indirect land-use changes. But the EPA ignored the request of Senator HARKIN and myself.

In its proposed rule, the EPA grossly underestimates future crop yields that will help meet the demand without requiring new crop acres. In addition, the EPA fails to adequately measure the land-use credits for the feed value of corn ethanol coproducts. Similar miscalculations exist for biodiesel as I have explained for ethanol. The EPA miscalculated the value of coproducts associated with biodiesel production and even included a nitrogen penalty.

I wish to speak to the nitrogen penalty because it is a case of total ignorance on the part of the EPA. Farmers know that growing soybeans does not require nitrogen use. Soybeans, in fact, capture nitrogen and return that very valuable product to the soil naturally.

During consideration of the Interior appropriations bill last month, Senator HARKIN filed an amendment to block EPA from including the international component of the land-use change calculation. In response, EPA Administrator Jackson sent a letter to Congress claiming the amendment would prevent them from carrying out their statutory obligations.

There are two points that need to be made with regard to Administrator Jackson's letter to us in the Congress. First, the statute does not require the inclusion of international land-use changes. Nowhere does the word "international" appear in the statute. Second, in measuring greenhouse gas emissions, the statute states clearly:

Direct emissions and significant indirect emissions such as significant emissions from land use changes.

If the EPA can't determine the impact of land-use changes with any degree of certainty, how can it be sure the impact is significant? Isn't there the same probability it is entirely insignificant?

Importantly, the House of Representatives demonstrated its lack of confidence in the EPA's handling of this issue during consideration of the climate bill in June. In that bill, Agriculture Chairman PETERSON, Speaker PELOSI, and Energy and Commerce Chairman WAXMAN agreed to an amendment that recognized there is no scientific agreement or no consensus that links U.S. biofuels production to international land-use changes. The amendment blocked EPA's consideration of international land-use changes for 5 years, until it can be measured using what we ought to expect them to use—sound science. There is strong bipartisanship on the record in opposition to EPA's finding in this area. So I hope EPA gets the message.

The second issue pertains to the volume mandates required for biodiesel under the expanded Renewable Fuels Standard. The RFS-2 requires the use of 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. However, EPA's rulemaking to imple-

ment these volume requirements has not yet been finalized and may not be until well into next year.

The U.S. biodiesel producers are in a tough financial situation. They need this mandate—which Congress did enact—to ensure a domestic marketplace for their renewable fuels. While the EPA took action to increase the overall volume mandate to comply with the law, it has failed to implement the specific biodiesel mandate.

In early August, Senator CONRAD and I were joined by 22 other Senators in writing President Obama to ask for his help.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to President Obama.

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

U.S. SENATE,
Washington, DC, August 6, 2009.
Hon. BARACK OBAMA,
President of the United States, The White
House, Pennsylvania Avenue, NW., Wash-
ington, DC.

DEAR MR. PRESIDENT: We are writing to ask your assistance to ensure that America maintains a viable domestic biodiesel industry that is capable of producing renewable diesel replacement fuel.

The Energy Independence and Security Act (EISA) of 2007 provides for renewable content in U.S. diesel fuel as part of the program's Advanced Biofuels schedule. Specifically, the Renewable Fuel Standard (RFS-2) requires the use of 500 million gallons of biomass-based diesel in 2009; 650 million gallons in 2010; 800 million gallons in 2011; and 1 billion gallons in 2012 and thereafter. This policy, if implemented in a timely and workable fashion, will promote the significant economic, environmental and energy security benefits associated with the domestic production and use of biodiesel.

The RFS-2 program was to begin on January 1, 2009, and the Environmental Protection Agency (EPA) was required to revise the current regulations to ensure the mandated volumes are met, including the volumes for biomass-based diesel. Recently, the EPA announced a two-month extension to the comment period for the new regulations. This extension will likely delay the implementation of RFS-2 well into 2010, causing further uncertainty and creating additional harm to biodiesel plants that have, as Congress intended, made substantial investments based on the volume goals provided for in the statute. The U.S. biodiesel industry desperately needs the market provided by the RFS-2 and cannot afford a significant delay in the implementation of the volume requirements mandated by EISA.

Domestic biodiesel producers face a practically non-existent domestic marketplace. Currently, 70% of U.S. biodiesel production capacity is idle. Domestic production is expected to be less than 50% of last year's levels and numerous bankruptcies loom for the industry. If this situation is not addressed immediately, the domestic biodiesel industry expects to lose 29,000 jobs in 2009 alone, and the nation's ability to meet the common-sense volume targets for biomass-based diesel provided for in RFS-2 will be compromised. A viable biodiesel industry is key to reducing U.S. dependence on foreign oil and meeting our nation's renewable energy goals.

Given the significant delays associated with RFS-2 implementation, the precarious state of the U.S. biodiesel industry, and the

volume goals established by statute for biomass-based diesel, we believe this matter must be addressed immediately. While EPA appropriately increased the overall volume mandate to comply with EISA, it has, to date, failed to implement the specific biomass-based diesel mandate. Therefore, we request that the Administration exercise its authority immediately, either by Executive Order or through Agency action or guidance, to provide greater certainty for the 2009 and 2010 RFS-2 volume mandates for biomass-based diesel. Prompt attention is critical to the survival of the biodiesel industry, will provide greater certainty in the marketplace, and is needed to further the energy security, environmental and economic interests of the country.

Thank you in advance for your consideration on this important matter.

Sincerely,

Kent Conrad; Chuck Grassley; Tom Harkin; Byron L. Dorgan; Jon Tester; Amy Klobuchar; Sam Brownback; Max Baucus; Pat Roberts; Christopher S. Bond; Roland W. Burris; Blanche L. Lincoln; Tom Udall; John Thune; Richard Durbin; Debbie Stabenow; Maria Cantwell; Ben Nelson; Patty Murray; Mike Johanns; George V. Voinovich; Tim Johnson; Richard G. Lugar; Al Franken.

Mr. GRASSLEY. Mr. President, the domestic biofuels producers are in a precarious state, so we asked President Obama to take immediate action to implement the volume mandates for biodiesel. It is in our Nation's economic and environmental interest to maintain a robust biodiesel industry. Unfortunately, no action has been taken to immediately implement the volume mandates.

Finally, the EPA continues to delay in approving higher blends of ethanol in our transportation fuels. Earlier this year, a number of ethanol producers submitted a request to EPA to allow higher blends of ethanol. Currently, ethanol blends are limited to 10 percent in nonflex-fuel vehicles. The waiver request is simply requesting that EPA allow ethanol to be blended at 15 percent levels instead of 10 percent.

While the waiver request was submitted back in March, the EPA has not made a decision. The EPA's delay in considering this request is having a negative impact on U.S. ethanol producers and is harming consumers who would otherwise benefit from lower prices at the pump. The delay is also putting off our efforts to use more homegrown renewable fuels in place of imports.

The delay is also putting off our efforts to use more homegrown renewable fuels in place of imported fossil fuels.

I recognize that prior to approval of higher ethanol blends, the requisite studies and testing must be concluded.

A number of scientific studies conducted in recent years confirm that higher ethanol blends do not cause significant changes in tailpipe emissions, vehicle drivability, materials compatibility or durability.

It is time to end the delays and take action to further reduce our dependence on foreign oil.

I am speaking today to ask President Obama and his staff at the White House to pay close attention to these three issues.

Our Nation currently has a strong, renewable fuels infrastructure that is working every day to reduce our dependence on foreign oil.

Those involved are also working diligently to increase efficiencies and strive toward the second generation of advanced biofuels. But, we can't get there by undermining today's industry.

The President can take action within his administration to ensure that no harm is done to the renewable fuels that are displacing dirty fossil fuels today.

He can ensure that EPA uses only sound science and avoids speculative assumptions when determining the greenhouse gas emissions of biofuels.

He can take action to see that America uses even more homegrown, green energy by ensuring that even more renewable fuel is blended in our Nation's transportation mix.

And, he can take action to immediately provide the certainty for biodiesel producers that Congress intended in the energy bill of 2007.

That is what I am asking him to do.

By zeroing in on these three pivotal issues facing the renewable energy effort today, President Obama and his staff can make a major positive difference for the production of even more clean, renewable, domestic biofuels.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, may I inquire, is the procedure that we are going back and forth? If it is, I will defer to the junior Senator from Illinois.

The PRESIDING OFFICER. That is not part of the order.

Mr. JOHANNS. I thank the Chair.

HEALTH CARE REFORM

Mr. JOHANNS. Mr. President, I anticipate speaking about 10 minutes, and I rise to speak on the health care bill that is making its way to the Senate floor. Today, I wish to talk about just two topics relative to that health care bill, and those two topics are transparency and, of course, the all-important topic of taxes.

We all have been through elections. We know elections lead to promises. We say things out on the campaign trail. We make promises to the American people and to the people of our State. Well, last election, by any measure, was a historic election. Over and over again, the American people were promised change. They were promised middle-class protections. Very specifically, our President promised increased transparency. There would be no tax increases on the middle class. We can all quote that language—not one dime.

But I have to tell you, everything I see about the health care debate at this point leads me to the conclusion that campaign promises are about to be broken.

Without a doubt—without a doubt—the American people clearly support more transparency in Washington. Yet health care has the same old politics. There isn't any transparency at the moment. I remember that famous tape of the President where he said: You know, we are going to do this in front of C-SPAN. We are going to see who is with the big insurance companies and who is with the people. Well, what is happening now? We are in the process of bills being merged—hugely different, monstrous bills—and we don't even know exactly what is going to be in those bills, and it is all happening behind closed doors. I just fundamentally ask the question: If this is good for America, then why be secret about it? It is altering one-sixth of our economy. It simply should not be happening behind closed doors. There is too much at stake.

Everyone should support the 72-hour transparency bill. It simply requires that legislation and a CBO score be available at least 72 hours before consideration. That is a commonsense idea and I think kind of a minimal idea, actually. A 1,900-page bill came out of the House—1,900 pages. Yet they are talking about a vote on that next week. I think most people would say: What is the rush? But we should at least get 72 hours, with a score, so we could talk to the American people about what is in the bill and what is not.

This leads me to the next piece of what I wished to talk about today, and that is taxes. A signature promise of the President's campaign was no taxes on families making under \$250,000. Wow. What an important promise to the middle class. Let's look at the taxes in the Finance Committee's bill. There are over \$500 billion of new taxes and fees. That is a very big number. Who is going to be hit with that? We have had studies done on it. The Joint Committee on Taxation analysis says this. It concluded that for 2019, roughly 77 percent of these taxes will be borne by middle-class tax payers; three quarters of the tax burden falls on those the President promised would not be impacted with higher taxes. What are the taxes? For anyone with a higher priced insurance plan, a 40-percent excise tax will be passed through to the worker. Higher health care costs, lower wages, I think. Any taxpayer who refuses to buy government-approved insurance will be penalized. These numbers could change, but right now it looks like \$750 for singles and \$1,500 for couples.

The CBO says this: Almost half of those paying this penalty tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of 4, earning \$22,800 and \$68,400 in 2013. Clearly they are in the middle class. Clearly they are under \$250,000. Call it what you will, to the people paying this, to them it will be a tax.

If you do buy insurance, prepare to be taxed by the new insurance industry fees. If you use a medical device, you will get hit with a new medical device