

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

fee. If you contribute more than \$2,500 to a Flexible Spending Account, your taxes go up. Many taxpayers who purchase over-the-counter medicine will now see them taxed. Taxes and transparency—two issues.

I will continue, in the weeks ahead, as will my colleagues, to discuss the dangers of health care reform done wrong. Health care reform is needed, no doubt about it, but not rushed legislation with no transparency and so many new taxes on the middle class.

I will wrap up with this. I think overhauling 16 percent of the economy is too important to do fast and to not do right, so I respectfully suggest that we take the time to do it right and honor the pledges made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, over the last few months I have addressed this Chamber many times on the need for a strong public option as part of our health reform legislation. The need, I believe, is quite clear, but the controversy remains. There are some who continue to attack the public option as a “government takeover,” or an unnecessary intrusion into the free market. We must not be deceived by these baseless attacks. They are the instrument of a political opposition that cannot win this argument on the merits.

The American people know this better than anyone. They recognize that our health care system is broken and that they must not settle for anything less than comprehensive reform that only a public option can provide. They know that the insurance companies maintain a virtual monopoly over regional markets and that large corporations are squeezing families and businesses for extraordinary profits. Those who oppose reform see no problem with this lack of competition and accountability and that is why their arguments fall short. That is why their talking points seem tired and disingenuous, because they are out of touch with what is going on in America today.

Let's reject the constraints of partisanship. Let's shut out the lobbyists and special interest groups that stand to profit from the poor health of hard-working Americans. Let's talk about why we desperately need a strong public option in this country right now.

The key problem with health coverage today is that American consumers do not have any options. The principles of competition and choice have always been at the heart of our economic system. They have driven innovation and they have served as the foundation of so many great ideas and achievements throughout our history. In many ways, these principles are uniquely American. Yet the health industry is somewhat exempt from their influence. Private insurance companies are free to fix prices, monopolize local markets and deny coverage to almost anyone for almost any reason. We have

seen unprecedented consolidations in the insurance market and that has led to a lack of competition and choice for American consumers.

In the past 13 years, there have been more than 400 corporate mergers involving health insurers. As a result, 94 percent of our Nation's markets are now considered “highly concentrated,” meaning that they are post-antitrust concerns. In my home State of Illinois, just two companies control 69 percent of the market and, sadly, Illinois is far from alone. In Alabama, a single company controls more than almost 90 percent of the market and in Iowa, Rhode Island, Arkansas, Hawaii, Alaska, Vermont, Wyoming, Maine, and Montana, the two largest health insurance companies control at least 80 percent of the market. In fact, there are only three States in the entire country where the largest three companies control less than a half of the insurance market.

This is a staggering statistic. In that kind of highly concentrated environment, there is no incentive to compete. There is no reason to improve service, expand access, or work with patients and doctors to achieve better health outcomes. In fact, there is every incentive to do just the opposite. These companies continue to look for new, innovative ways to deny coverage to sick Americans. They increase premiums, they cap lifetime benefits, they increase corporate earnings at the expense of families and businesses that are already stretched to the breaking point. While the rest of us suffer the effects of recession, they post record profits. That is why health care premiums are growing four times faster than wages. That is why profits are up and, relatively, health outcomes are down.

In the last quarter, one major insurance company reported profits that had more than doubled when compared to the same quarter last year. In fact, between 2000 and 2007, 10 of the country's top insurance companies increased their profits by an average of 428 percent.

Today, \$1 out of every \$6 spent in this country goes to pay for health care. This is wrong. This flies in the face of every value our Nation holds so dear.

It is time to stand up for the American people and restore the American values of competition and choice to the system. It is time to hold insurance companies accountable. It is time to create a strong public option that will make insurers compete for your business, like any other corporation in America.

There is nothing wrong with making a fair profit. I understand that. I have been in business myself. They have to make a profit. But there is nothing fair about creating a monopoly and then wringing money from the sick Americans who are counting on you in their hour of need.

That is why we need a strong public option. We cannot have real reform

without competition and we cannot have competition without a public option. A strong public option would be a self-sustaining, would provide a low-cost alternative to private companies, and would force them to improve their product or risk losing customers. The public option would give people a choice for the first time in many years. No one would be forced to change their coverage, but if their current provider isn't treating them right, they deserve the opportunity to choose something better and more affordable.

The American people deserve the chance to shop around, to compare options and pick the plan that is right for themselves and their families or small businesses. That is what the public option would mean for Americans. That is why I will not settle for anything less. I will not compromise. I will not stop fighting. The good hard-working people in Illinois and across America demand the real reform that a strong public option would provide.

Now is not the time to back down. Now is the time to act with conviction. I urge my colleagues to join me in standing up for choice and competition in the health insurance industry. Let us rise to this challenge and include a strong public option in the reform bill we send to the President.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

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

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

#### CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, this is the week of two more 1,000-page bills. The House has produced a nearly 2,000-page health care bill which we are all looking forward to reading. The Senator from New Mexico and I are members of the Environment and Public Works Committee, and this week we have been spending almost all day each day on a nearly 1,000-page bill on climate change.

As I said on Tuesday when the bill was presented, I have no problem acknowledging the problem, but I do have a problem with the proposed solution. The National Academies of Science of 11 major industrialized countries, including the United States, have said that climate change is real and that humans are causing most of the recent warming. If fire chiefs with the same reputation said my house was likely to burn down, I would buy some fire insurance. I would buy fire insurance that worked. But I wouldn't buy insurance so expensive that I couldn't pay my mortgage or I couldn't pay my hospital bill. That is my concern about the