

can talk all you want about it. We should have been through with this 3 weeks ago.

Mr. MCCONNELL. Madam President, the way to finish this right now is to enter into a consent agreement to have votes on three amendments, with very short time agreements, and we can solve this issue. If my friend is worried about whether the House will accept it, he can vote it down, defeat the amendment. Around here, if you get the most votes, you win; if you don't, you lose. All I am suggesting is that we have three amendment votes, with short time agreements, this afternoon, and we can wrap up this bill.

I yield the floor.

Mr. REID. Madam President, this bill should have been wrapped up 3 weeks ago. It is always something. There is always a little something more to do, until time goes on and on. It is obvious that my friends don't care about these people who are desperate for money. I care about them. We care about them.

Madam President, would the Chair announce the next order of business. Under the provisions of the consent agreement the Republican leader and I agreed to, what is the matter before the Senate—or will be shortly?

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The next matter before the Senate is the Interior appropriations bill conference report, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, October 28, 2009.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I have an important announcement to make on another subject which is of interest to the American people. The era of the thousand-page bill is over. We now have a 2,000-page bill, a new health care bill introduced in the House of Representatives today by Speaker PELOSI. What we will do on the Republican side, and what I hope our friends on the Democratic side will do as well, and what every American expects us to do, is read all 2,000 pages and know exactly what it costs before we begin to vote on the congressional Democrats' health care bill.

For example, while we know just a few things about the bill, we know the

price tag is likely to be more than \$1 trillion. So it is 2,000 pages, more than \$1 trillion.

We know the physicians Medicare reimbursement rate, which is important to all of us to be included, is scheduled to be treated separately there. Well, it wasn't treated separately here. On what was the first vote on health care a week ago, 13 Democrats joined with 40 Republicans to say we are not going to begin the health care debate by increasing the deficit by \$¼ trillion. That was an important statement to the American people.

One of the questions we will be asking is how is the physician Medicare reimbursement plan, which is an essential part of any plan for health care over the next 10 years, how is it paid for? Does it add to the debt? We will be looking—and I know the distinguished Senator from New Hampshire who is the ranking Republican on the Budget Committee already is looking—at not just what happens in the first 5 years of this proposed bill but in the second 5 years and the 10 years after that, because our goal is to reduce the cost of health care, the cost of premiums to each of us and to our government. A preliminary look suggests that while the cost may go down to the government in the first 5 years, it might go up in the second 5 years as the plan is implemented.

Third, we want to look at the new taxes on small businesses we have been told about.

Next, we want to look at the provision in the bill which seems to say that an employer might have to pay 8 percent of his payroll as a penalty if the employer does not provide health care to his employees. Does that mean all employees? Does that mean full-time employees? Does that mean part-time employees? We want to read the bill. We want to know exactly what it says. We want to see a Congressional Budget Office estimate—a formal estimate—of what it costs.

There is in the bill a new government-run insurance plan. We have said before that our view on the Republican side—and I know some Democrats have concern about this as well—is the effect of a government-run insurance company—some call it the government option—is no option because if you are one of the 170 million or 180 million Americans who have health insurance through your employer, the combination of a bill such as this is you are more likely to lose your insurance and the government option is likely to be your only option. We will be asking that question and see what it costs.

There is a provision in the bill that expands Medicaid. This is the government-run program for the low-income we already have that has 60 million Americans in it. The State and the Federal Government share the cost of it. My preliminary understanding of this provision is, it increases the cost of the Medicaid expansion, which Governors all across the country are deep-

ly concerned about, and it adds a provision to require that physicians be reimbursed for Medicaid services at the same level as Medicare, which would basically double the cost of the Medicaid expansion. How much of this will the States pay?

There are a number of questions to be asked, but the news of the day is this: The era of the 1,000-page bill is over. We have a new 2,000-page health care bill. We will be reading the bill, and we will be trying to understand exactly what it costs.

Mr. GREGG. Will the Senator from Tennessee yield for a question, Madam President?

Mr. ALEXANDER. I will be glad to yield.

Mr. GREGG. A 1,000-page bill is pretty big. It is about this big, and a 2,000-page bill is about this big. We are going to find out when we see it printed. That probably weighs a lot, 4 or 5 bricks, 10 bricks maybe?

Mr. ALEXANDER. I don't know. The Senator from New Hampshire has a wide variety of experiences and may understand the weight of bricks better than I do. I just know the era of the 1,000-page bill is over. We have a 2,000-page bill, and we will need to read it.

I ask the Senator from New Hampshire how long should it take the Congressional Budget Office to provide a formal estimate of a 2,000-page bill, based upon his experience—I ask through the Chair—as former chairman of the Budget Committee and the ranking Republican member.

Mr. GREGG. Madam President, I say to the Senator from Tennessee, I presume it would be at least a week or maybe 10 days. I understand they are going to do an informal sort of “on the back of an envelope” estimate quickly. But the implications of this bill, 2,000 pages—it is akin to dropping 10 bricks on our seniors, isn't it? Doesn't this basically wipe out Medicare Advantage and massively impact Medicare benefits and move those savings over to fund a brandnew entitlement?

Mr. ALEXANDER. I thank the Senator from New Hampshire. Our concern has been, with the bills we have seen so far, that a bill that is supposed to reduce costs actually raises the cost of premiums, cuts Medicare, and raises taxes. The new government insurance plan will cause millions to lose their employer-based insurance and become a part of the government option and, unless the physicians Medicare reimbursement payment is a part of the plan, it also adds to the debt.

Mr. GREGG. If the Senator will entertain one other question. The Senator, in his comments on this new 2,000-page piece of legislation, which started out at significantly less, made a point that I believe the last 5 years of this bill—it is a 10-year bill and, of course, it is going to go on forever. They basically start the taxes at day one, but they don't start the expenditures until year five. It turns out, as I

believe the Senator said, the expenditures in the last 5 years exceed the income. So if you were to logically put this bill in a 10-year timeframe, where you had all the expenditures and income matched up, this bill is going to add a lot to the deficit. This is a \$1 trillion to \$2 trillion bill, and the deficit is going to go up a lot. That is common sense; is it not?

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. It seems to me it will.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am always glad to yield for a question by the assistant Democratic leader.

Mr. DURBIN. Since we are dealing with health care reform that addresses one-sixth of the American economy, does the Senator from Tennessee believe there should be a maximum number of pages the bill would entail?

Mr. ALEXANDER. That is a very good question. I saw the Senator from Illinois on the floor the other day saying: A 1,000-page bill, who cares about a 1,000-page bill?

I don't think Americans like the idea of a 1,000-page bill. I think they will like even less a 2,000-page bill. I don't think we do comprehensive very well here.

I think what the American people want us to do, if I can say to the Senator from Illinois, is not have a comprehensive bill full of higher premiums, taxes, and surprises but to focus on reducing the cost of health care premiums and reducing the cost to the government and go step by step on things—

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am trying to answer his excellent question. Go step by step to meet that goal, such as a provision that would allow small businesses to combine resources and offer their employees insurance, such as provisions that would get rid of junk lawsuits against doctors, which virtually everyone agrees drives up the costs.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DURBIN. Will the Senator yield for one more question?

Mr. MCCAIN. Will the Senator yield for an additional question?

Mr. ALEXANDER. Yes.

Mr. MCCAIN. Does the Senator recall—and perhaps the Senator from Illinois recalls—does the Senator recall, during the last Presidential campaign, when the President of the United States said there will be Republicans and Democrats sitting down together and there will be C-SPAN cameras? I wonder if the Senator knows the C-SPAN cameras are still waiting outside this room over there. Does the Senator recall that commitment? I wonder—I wonder—whatever happened to that campaign promise that the American people would know who is on the side of the pharmaceutical companies and

who is on the side of the American people. If they came in now, it would be too late because they already cut a deal with the pharmaceutical companies in return for \$80 billion. They got \$100 million in positive ads for reform.

I wonder if the Senator from Tennessee recalls that commitment on the part of the President of the United States. I wonder if he might urge his colleague, the other Senator from Illinois, to get the C-SPAN cameras in there while these negotiations are going on.

Mr. ALEXANDER. I thank the Senator from Arizona for his excellent question. I am sure there is no one in this Chamber who more vividly remembers that promise than the Senator from Arizona. We all would like to know what is in this bill and what is going on behind closed doors.

Mr. DURBIN. Will the Senator yield for one more question, a very short question?

Mr. ALEXANDER. Only if—

Mrs. FEINSTEIN. Before he does, Madam President—

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Tennessee has the floor.

Mr. ALEXANDER. Without yielding the floor, I certainly would be glad—if I may reclaim the floor. I have the floor. I will be glad to allow the Senator from California to say whatever she would like, if I can have consent to have the floor back.

Mrs. FEINSTEIN. I appreciate that. The Senator from Tennessee is the ranking member of the Interior Appropriations Subcommittee. I alert the Senate that time is running on the bill. It is 2 hours, equally divided.

Let me ask the Parliamentarian this question: How much time remains on the Interior appropriations bill, and how much time has the Republican side used to this moment?

The PRESIDING OFFICER. The majority still has 1 hour, and the minority has used 12 minutes.

Mrs. FEINSTEIN. Just so you know.

Mr. ALEXANDER. I thank the chairman. I look forward to moving over there and working on the Interior appropriations bill. I think Senator MCCAIN is here to speak about it. I was only, in an extravagant gesture of courtesy, trying to answer the question of the distinguished assistant Democratic leader from Illinois.

Mr. DURBIN. Will the Senator yield for one more question? Will the Senator yield for one short question?

Mr. ALEXANDER. Knowing the Senator is a very able trial lawyer, it is only because I am courteous that I will do that. Of course I do.

Mr. DURBIN. Very good. Can the Senator from Tennessee tell me how many pages the Republican health care reform bill is?

Mr. ALEXANDER. The Republican health care reform bill, Madam President, if I may talk about it, has been offered in a series of proposals. The proposal for a small business health in-

surance program is less than 1,000 pages, by several hundred pages.

What I think I will do is not take so much more of the Senator's time, but I will enumerate the proposals and give him the number of pages. While he is reading our proposals, I will read his, and we will see who gets through first. Of course, we will have to wait until they come out from behind closed doors with their bill.

I will get the small business proposal. I will get the proposal to end junk lawsuits against doctors. I will get the proposal to allow people to buy insurance across State lines, which will reduce the cost of insurance. I will get the proposal that would adjust tax incentives. There is a proposal that would also expand technology on which we have proposals on both sides of the aisle. So I will get five or six of the Republican proposals, most of which we hope will gain bipartisan support.

I see the assistant Democratic leader every day at the beginning of the day. Maybe we can even read them together, and then whenever his bill comes out from behind closed doors and we get the House bill, we can all read that 2,000-page bill.

I am going to accede to the wishes of the chairman of the Interior Appropriations Subcommittee, because I am her ranking minority member, and cease talking about the end of the era of the 1,000-page bill and let us get to Interior appropriations.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am very pleased to be at this moment. I join with my distinguished colleague, Senator ALEXANDER, as we begin consideration of the conference report on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

This is the first year Senator ALEXANDER and I have worked together as chairman and ranking member of the Interior Appropriations Subcommittee, and I am happy to say it has been a very good experience. We consulted on several occasions and worked through several different issues as we crafted the original Senate bill and then again as we went to conference with the House, which I must say was a difficult conference. As a result, though, I think we have produced a bill that is fair, balanced, and workable. I personally thank him for all his work and cooperation.

The Interior conference report totals \$32.2 billion in nonemergency discretionary spending. That amount is \$4.6 billion above the equivalent 2009 level but \$60 million below the President's request. It is consistent with the subcommittee's 302(b) allocation for both budget authority and outlays.

As everybody knows, each appropriations subcommittee receives an amount within which they must produce an appropriations bill. We met our allocation. The problem was, the allocation for the House committee

was \$200 million bigger than our allocation. Then with some other items the House put in which raised it about \$300 million, it was very difficult to reconcile the two bills.

I will not go through each and every line item, but I would like to emphasize the great strides we have been able to make in five specific areas: water and sewer infrastructure; wildfire suppression and prevention of fire on public lands; bolstering our public land management agencies; investment in the Land and Water Conservation Fund; and helping the most vulnerable in Indian country.

First, this conference report provides \$3.6 billion for water and sewer infrastructure projects. That is a very significant increase over last year's level of \$1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill for these necessary and very basic infrastructure projects. And as you will hear, we are infrastructure short in this Nation.

I am a former mayor. I remember the day before bottled water. I remember the day when you could drink water right out of the tap. What we have seen is a deterioration in this infrastructure all throughout this great country. And when you factor in the \$6 billion that was included in the stimulus, we are providing nearly \$10 billion this calendar year to our State and local water authorities. That is a major investment, and one I believe both of us are very pleased to have achieved. Senator ALEXANDER was a Governor, I was a mayor, and we know the importance of water and sewers. This money will allow our State and local water authorities to begin to tackle 1,479 wastewater and drinking water projects across this Nation.

For those of you who might not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period our communities will need to spend over \$660 billion for drinking water and wastewater infrastructure repair and renovation. Obviously, we can't provide that level of funding during tough budgetary times. But what we were able to provide will go a long way toward helping our communities tackle their crumbling infrastructure and provide their residents with more reliable and cleaner water.

Secondly, the bill provides \$1.8 billion for wild land fire suppression activities—a very big deal. It is very important that we are providing that level of funding because that is the amount that was actually spent, on average, in each of the last 3 fiscal years. The problem is it wasn't budgeted for. So these big roaring fires take place and then everybody has to scramble to transfer funds to be able not only to fight the fires but to replace the money.

The conference report includes critical firefighting budget reform as part of the FLAME Act of 2009, which was

championed by Senator BINGAMAN. This act will help create a dedicated, steady, predictable funding stream for wildfire suppression activities.

As part of the \$1.8 billion provided for fire suppression, the bill contains \$474 million for the FLAME Fund reserve accounts for the Forest Service and Department of Interior. These FLAME Funds have been established to cover the costs of large or complex wildfire events and as a reserve when amounts of firefighting funds from the agencies' regular fire appropriations accounts are exhausted. So it is a reserve fund for big fires, of which we are having plenty in the West.

In addition to fully funding fire suppression, the conference report also includes \$110 million in grants to help States fund their own firefighting and fuels reduction efforts. That is a 22-percent increase over the 2009 level. It provides \$556 million for hazardous fuels reduction projects on Federal lands nationwide. That is a 7-percent increase over last year. These funds together will allow the Forest Service and the Department of the Interior to treat 3½ million acres of fire-prone Federal lands.

One of the things we know is that the past policy of suppressing fires—letting everything grow until they become a combustible mix that burns hotter, heavier, and longer—has to change. So to work these lands, to manage these lands, to remove hazardous fuels, is a real effort to protect our forests and our wild lands.

Third, the bill shores up our public land management agencies by providing a total of \$6 billion for basic operations and backlog maintenance at our national parks, forests, wildlife refuges, and on Bureau of Land Management lands. For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur this year. That is not done this year. Both the ranking member and I are very proud of that.

Included in these funds are \$2.3 billion for basic operations of 391 national parks, an increase of \$130 million. I think all of us would agree that our national parks are the crown jewels of this Nation. People go there by the tens of millions. For many, it is the only vacation they have. For most, it is a revelation of the amazing beauty of this great country. These monies will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, law enforcement officers, park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

In particular, I want to point out that the funding being provided in this bill will allow the Park Service to continue the drug eradication program started last year. This is a huge prob-

lem. In our vast national parks, Mexican nationals have come in. They are armed, they are dangerous, and they essentially grow acres upon acres of marijuana and then protect that marijuana. It is a real problem. So task forces have been put together—state, Federal, and local—to go into these parks and essentially roust the growers and arrest them.

This effort isn't limited to the Park Service. Included in the \$1.56 billion that this bill provides for operations of the national forests is a new \$10 million increase for the Forest Service's law enforcement program. These funds mean that the service will be able to hire up to 50 new law enforcement officers to battle the epidemic of marijuana in our parks and on public lands.

Fourth, the bill increases the protection and conservation of sensitive lands by providing \$450 million through the Land and Water Conservation Fund—and that is an important fund for all of us—consisting of \$278 million set aside for the four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; \$76 million for conservation easements through the forest legacy program; \$56 million for acquisitions associated with habitat conservation plans; and \$40 million for State grants through the Park Service's State assistance program.

Finally, the bill helps some of the most vulnerable among us by providing a total of \$6.7 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 level and includes increases of \$471 million in direct health care services; \$81 million in K-12 and college education programs; and \$58 million in law enforcement programs, which will allow for additional police officer staffing on streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would otherwise not happen. This means additional well baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian country. It means additional public health nursing visits to those in the rural areas.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. Interestingly enough, the \$81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the adequate yearly progress goals spelled out in the No Child Left Behind Act. For the first time, nearly half of all schools will meet this milestone. Half. That is very good.

Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian country. The bill makes a major increase in funds for repair and rehabilitation of detention facilities, and funds

will allow the Bureau to repair several local facilities so that officers spend less time in transit and more time on the streets.

Let me speak of some of the problem areas. The first one was Davis-Bacon. Davis-Bacon is prevailing rate standards for, in this case, water and sewer projects. The second area is emission control requirements for the Great Lakes. And third is restrictions on the reporting of emissions from, of all things, manure management systems.

Let me speak about Davis-Bacon. The House put in their bill a permanent extension of Davis-Bacon. That was clearly a problem. Therefore, the agreement—and thanks to the ranking member—was that the bill simply would contain a 1-year extension. In other words, Davis-Bacon would be included for water and sewer infrastructure for the fiscal year 2010. We compromised on that. I have always supported Davis-Bacon. I believe that prevailing rates should apply to these programs. But I also believe this is very much a necessary compromise, and it will serve as a bridge to allow the House and Senate authorizing committees—which is, after all, the proper place for this—to enact the necessary legislation.

The conference report also includes language that would exempt 13 steamships on the Great Lakes from certain marine fuel requirements. This was language that was included at the insistence of the House. Frankly, it was not my preference to include this language, but I understand Members from the Great Lakes States are very concerned about the economic impact of pending EPA emission control regulations on these 13 older ships.

After substantial negotiation and discussion with EPA, we have crafted a narrowly tailored compromise that recognizes these concerns in report language but will not impact air quality in California or any other seaboard city, or interfere with the ability of EPA to negotiate international controls on emissions from other ocean-going vessels.

I must say, this is a very important thing to California. In the L.A. port area—this is the area where 40 percent of all of the Nation's container ships come in—there is a real and growing asthma problem. Being able to regulate these ships is critical to pollution. Not only that, the L.A. basin is one of the two worst nonattainment areas in the Nation and in a few years will have sanctions on them because they cannot meet attainment standards. Therefore, being able to improve the emissions on these ships is important.

Third, the conference report includes language proposed by the House that exempts all manure management systems from reporting greenhouse gas emissions to the EPA for 1 year. I believe the Senate version, which requires 90 of the Nation's largest factory farms to report on their greenhouse gas emissions while protecting family

farmers from reporting, was a better approach. But in the interest of moving this bill we had to agree to the House language.

There is, however, one important point that must be made. The language contained in the conference report will still allow EPA to implement its underlying reporting rule and get good data on greenhouse gas emissions from nonagricultural sectors of the economy.

Finally, let me mention the CR, contained in division B of this conference agreement. As Members know, the current CR expires at midnight on Friday, which is why it is critical that we pass this conference report and get it to the White House to be signed into law. Without passage of the CR, the government shuts down. It is that simple. And no one believes this is an option.

When the Social Security checks don't go out, Medicare and everything else stops, it is a real problem.

As agreed to by the House and Senate leadership—not the ranking member and I, but the House and Senate leadership—this new CR will provide funding through December 18. That should allow enough time for the remaining appropriations bills to be completed—we hope.

All in all, this is a good bill. It is the product of a lot of hard work by Members in both the Senate and the House. I sincerely hope we could adopt what has been agreed to by the House and get this bill to the President.

I again thank my distinguished colleague from Tennessee for his cooperation and his work on this bill. Without him it would not have happened. So I thank him very much and it is now his turn.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, if I had to choose an appropriations subcommittee to serve on, this would be it. It includes the things I care the most about: the great American outdoors, clean air, our national parks. I couldn't have the privilege of working with a finer chairman than Senator FEINSTEIN. I like her especially because she says what she thinks. She was a mayor. A former Governor, as the Presiding Officer was, appreciates that. She can make a decision, and she sticks to it. She cares about the great outdoors. She has a long record of work on clean air and the environment, about our forests, about our deserts, so we see eye-to-eye about a great many things.

Senator MCCAIN is here to speak on our side in a few minutes. I think Senator SESSIONS would like 5 minutes. I would say to my Republican colleagues, I don't plan to take but 3 or 4 minutes. After they speak, I don't have any other remarks to make. We may be able to give back some of our time.

I thank the full committee, Chairman INOUE and Vice Chairman COCHRAN and Senators REID and MCCONNELL for their allowing us to move forward.

I am glad this bill will not be part of the omnibus. That is not the way to do business. There were lots of differences of opinion, both in the Senate and with the House—the chairman outlined those and talked about those. My preference, if I were the king, I wouldn't spend this much money on this bill this year. This is a tough time. But I doubt Americans will begrudge spending on national parks, on clean water, and on firefighting.

This is the 75th anniversary of the Great Smoky Mountain National Park that was created in the midst of the Great Depression. Each State appropriated \$2 million, and then schoolchildren gave their pennies. Even in tough times—maybe especially in tough times—we care about our national parks. President Bush set us on the road with the Centennial Initiative to properly fund them by the time we get to 2016, and this bill continues that.

It is also good it includes within the budget the firefighting costs which were outside the budget as emergency appropriations. That is a good way to do business. We do not want the U.S. Forest Service to become the U.S. Fire Service, even though we greatly value its work in firefighting. We want it to also be able to perform other important functions.

I am glad to see the support for Land and Water Conservation Funds. Local parks, city parks, are our most popular parks, the ones down the street.

The Senator mentioned the Davis-Bacon State revolving funds. I strongly object to that being in the bill. This is the first time it has ever been in. We have applied the Davis-Bacon Act to these state revolving funds. This will mean fewer jobs, higher costs, fewer projects. The States provide 20 percent of the match. They should be able to decide what the wage rates are in their States.

The bottom line is that we are appropriating \$3.5 billion to get done what last year would have only cost us \$2.6 billion to do. We are making a mistake. I fought hard to change that. I appreciate the fact that the conference committee supported my effort to move this from a permanent change to a 1-year change. This is appropriately being considered by the Senate Environment and Public Works Committee on which I serve. I will make my views known there.

I thank the chairman again for her courtesies. I see the Senator from Arizona is here. I will yield the floor and give him and other Senators a chance to speak on the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, what little time remains to this side of the debate?

The PRESIDING OFFICER. The minority has 41 minutes left.

Mr. MCCAIN. Forty-one minutes?

Mr. ALEXANDER. The Senator from Arizona may take as much time as he wishes.

Mr. McCAIN. I thank my friend from Tennessee, and I thank you, Madam Chairman.

As we know, we are considering the conference agreement for the fiscal year 2010 Interior, Environment and Related Agencies appropriations bill. I was deeply touched and moved by both the manager of the bill and the ranking minority member's lamentations about the budgetary constraints in which we are suffering—deeply moved, almost to tears, until I saw that this bill provides approximately \$32.2 billion, a 17-percent increase over last year's levels, and \$4.66 billion more.

You know, the bill comes after we already gave \$10.95 billion in the stimulus bill. It is remarkable, remarkable.

When the distinguished manager talked about how the budgetary constraints did not allow for us to have the necessary water infrastructure projects which are so vital, particularly to those of us in the West, we somehow found room for 542 earmarks totaling \$341.3 million.

I believe we might be able to find some more projects that are very badly needed for water infrastructure and even for firefighting if maybe we shifted those 542 earmarks totaling \$341.3 million over to the needed projects. As far as I know, not one of these earmarks was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

When I read some of these, I think it would be hard to argue that they would withstand any scrutiny, any competition. For example, \$500,000 for a tropical botanical garden in Hawaii. Not in Arizona, not in California—Hawaii—\$500,000 for a tropical botanical garden in Hawaii.

There is \$150,000 to renovate an opera house in Connecticut—renovate an opera house. The real unemployment in my State is now 17 percent. It is listed as less than 10 percent, but including those who have given up looking for work—17 percent of the people in my State are without a job, and we are going to spend \$150,000 to renovate an opera house in Connecticut.

We are going to spend \$500,000 for a native Hawaiian arts program in Hawaii.

We are going to spend \$1 million for improvements in the Sewall-Belmont House in Washington, DC. That is what I call a cozy relationship. The Sewall-Belmont House is next to the Hart Building—\$1 million. Couldn't this museum raise private money for these improvements?

There is \$2 million for an interpretive center at the California National Historic Trail in Nevada and another \$100,000 for the Tahoe Rim Trail in Nevada to build a 15-mile hiking trail from Reno, NV, to the Mount Rose Ski Resort near Lake Tahoe.

I get favorites every once in a while, but this is probably one of my favorites

recently. If we Twitter the top 10, I guarantee you this will make the top 10: \$1.2 million for rat eradication at the Palmyra Atoll National Wildlife Refuge; \$1.2 million worth of rat traps. This \$1.2 million in rat traps is for a 5-square-mile island, U.S. territory that is not occupied except for a few scientists from the Nature Conservancy studying the island's coral reef, according to the Interior Department.

There is \$750,000 for a conservation training center in West Virginia. I am sure over the years my colleagues have gotten to hear certain States named—Hawaii, West Virginia, Nevada, California. I am sure all of those are strictly coincidental.

There is \$200,000 for historic preservation of the Richardson-Olmstead Complex in Buffalo, NY. I am not making this up. The Richardson-Olmstead Complex is actually the former Buffalo State Insane Asylum which was decommissioned in the 1970s. According to Richardson Center Corporation, which is a nonprofit managing the complex for historic preservation, this funding would go toward maintaining the former hospital as "an example of the humane treatment of the mentally ill."

There is \$750,000 for the Hudson Quadricentennial Commission in New York to celebrate the 400th anniversary of the Dutch explorer Henry Hudson sailing the Hudson River; \$500,000 to the Vermont Wood Products Collaborative, which provides grants to promote the development and marketing of wood products businesses in the State of Vermont. According to the Office of Management and Budget, Vermont Woods Products Collaborative is a continuing earmark that has received over \$780,000 from Congress over the past 4 years.

That is for the Vermont Wood Products Collaborative when my State has a 17-percent unemployment rate.

Some of these that I just described may have merit. There are 542 of them. Some of them may have merit, but we will not know that. We will not know whether or not they have merit. They have never been authorized, never been subjected to competition, they have never been scrutinized. But what has been done is they have been put in because of the relative power of certain Members of Congress.

I had intended today to bring over recent articles concerning the investigations that are being conducted on Members of Congress because of this practice of earmarking and porkbarrel spending.

One more example of this is the Environmental Protection Agency State and Tribal Assistance Grants Program, which funds wastewater and drinking water infrastructure projects throughout the country. Local communities that request assistance under this program have to do so under Federal and State systems for prioritizing the most important projects from a health and environmental standpoint.

But all it takes to sidestep the entire process is for a Member to slip an ear-

mark into an appropriations bill that benefits a special interest in their home State. Inevitably, communities that are worthy of EPA's help are left empty handed because they were not connected well enough in Washington.

The President's 2010 budget calls for terminating all of these earmarks. The President's budget asks that they should be eliminated. The administration says, the President says, these earmarks are "duplicative" and "not subject to the State priority-setting process which typically funds cost-effective and higher priority activities first."

Moreover, the administration points out these earmarks "single out projects and communities for a greater subsidy than otherwise available through existing programs," and "that these types of projects require more oversight and assistance than standard grants because many of the recipients are unprepared to spend or manage such funds." In other words, some communities are receiving earmarks so large that they do not know how to handle them.

Let's look at a few of these infrastructure earmarks. For the town of Moorefield, WY, \$2.5 million is earmarked for a wastewater treatment plant. The town of Moorefield has a population of 2,375. That is a subsidy of over \$1,000 per person.

Six million dollars goes to construct a drinking water reservoir in Fayette County, AL. Estimated population of Fayette County: 18,000.

There is \$1.2 million for sewer improvements in Plattsmouth, NE; population: 6,900. Finally, \$15 million for water infrastructure in remote Alaska Native villages, which exceeds the administration's request by \$5 million. In its budget submission, the administration proposed reducing spending for Alaska Native villages to \$10 million because:

Audits conducted by the EPA Office of the Inspector General identified several financial management problems, including improperly charging labor costs to grants and disbursing funds that were not tied to the actual project costs.

I am for helping our neediest and most rural communities. Some of these projects may be truly needed. But it is disregard for the procedure that should be followed that concerns me.

Last month the House and the Senate Democratic leadership airdropped a continuing resolution into the legislative branch appropriations bill to keep the government running until this Sunday. It is not the way to do business. There is nothing that prohibits the majority leader from calling up a continuing resolution as a stand-alone piece of legislation.

I want to say that I intend to raise a point of order. But, more importantly, if this bill passes the Senate, as it did the House earlier today, the President of the United States, if he is serious about eliminating waste and unnecessary spending, should eliminate a bill

that has a 17-percent increase over last year's levels, which is \$4.66 billion more, in addition to the \$10.95 billion that was appropriated to these accounts in the stimulus bill, and contains 542 earmarks totaling \$341.3 million. If that is not enough to earn the President's veto, I do not know what is.

I raise a point of order that the conference report violates the provisions of rule XXVIII, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I move to waive the relevant provisions of rule XXVIII. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Can the Chair state when the vote on the motion to waive will occur this evening?

The PRESIDING OFFICER. The motion to waive will occur after all time is used or yielded back.

Mrs. FEINSTEIN. How much time remains?

The PRESIDING OFFICER. The majority has 40½ minutes, the minority has 28 minutes.

Mrs. FEINSTEIN. My understanding is that the chairman of the Appropriations Committee is here if you have no objection, Mr. Ranking Member.

Mr. ALEXANDER. I certainly have no objection at all. The Senator from Alabama is here. As far as I know, he is the only other Republican Senator who wishes to speak at this time. I have no further comments. So if any other Republican Senator wishes to speak, they should come over. After Senator SESSIONS speaks, we will waive the rest of our time.

Mrs. FEINSTEIN. I yield the floor to the distinguished Senator from Hawaii.

Mr. INOUE. Madam President, the conference report before the Senate provides funding for the Department of the Interior and related programs. While the funds in this measure represent a significant increase over the funding levels provided in fiscal year 2009 they are greatly needed by the Environmental Protection Agency, the Forest Service, our national parks, and other agencies which provide critical support to all Americans.

I would also note that the increase is within the amounts approved by the Senate in the budget resolution. In fact, each bill and conference agreement that the Appropriations Committee has forwarded to the Senate has been within the amounts approved by the Congress. Those who object to the spending in these bills ignore that the Congress approved these funding levels earlier this year.

I would share my colleagues' concern with spending if the Appropriations Committee were exceeding the amounts approved in the budget, but in point of fact we are not. Moreover, in total the amounts that are in this bill

when combined with the other 11 appropriations bills are below the amounts requested by the administration.

That is only one reason, but an important consideration in why these bills have received nearly unanimous support from Senator COCHRAN and the other Republican members of the committee. Once again, this Interior conference report saw nearly unanimous support from the Senate conferees.

Over the past few months we have heard the repeated cries that we are spending too much. But to reiterate, the facts are we are spending less than requested by the administration and the same amount or less than was approved by the Congress.

Included in the conference agreement is a short term extension of the continuing resolution. Regrettably, an additional extension of the CR is necessary because we are still unable to complete action on all 12 bills. I want to remind my colleagues that upon assuming the chairmanship of the committee last January I vowed that we would strive to end the process of tying all 12 bills into an omnibus bill which affords all members less opportunity to debate and amend these important measures.

I was extremely pleased to learn last spring that every one of our Republican colleagues signed a letter to the majority leader urging him to provide ample floor time to consider these bills. And, I must thank the leader, and the minority leader as well for allowing these bills to be considered.

No one can accuse the majority of not trying to return to regular order. We have passed seven appropriations bills to date, and today the Senate is considering our fifth appropriations conference report. We hope to complete Senate action on two or more measures next week.

This has not been easy. Each time an appropriations bill has been called up a handful of Members have used their rights to slow down the process. Our managers have been forced to wait 2 and even 3 days before the same Members, time after time, are willing to call up amendments.

The Senate has been in session about 153 days this year. On 56 days, so far, the body has been considering an appropriations measure. That is more than 11 weeks. We have tried to elicit cooperation on these measures, but once again a few members, who seem to oppose the appropriations process, must believe that we are better off under a continuing resolution in which the executive branch makes all spending decisions than allowing the Congress to do its work. Because of this approach, we find ourselves in need of passing another CR.

Division A of this conference report represents the hard work of Senators FEINSTEIN and ALEXANDER along with all the members of the subcommittee and their staffs. It contains critical funding that is needed today. I support

the compromise that Chairman FEINSTEIN and Senator ALEXANDER brokered on a bipartisan fashion. I commend them for their fine work.

Division B of the conference agreement extends the current continuing resolution until Friday December 18. There are also two technical corrections in the bill that fix problems in the original CR. In addition, three new issues are added which generally have the support of the administration and should be noncontroversial.

First, the Small Business Administration will be allowed to use \$80 million to continue Small Business 7(a) loans during the CR period. Without this authority, SBA expects to have to turn off its loan program in November.

Second, up to \$200,000,000 of funds made available in the Omnibus bill will be allowed to be used to adjust allocations for public housing agencies to prevent cutting off assistance to poor families. Without this authority the administration believes up to 10,000 families would lose their housing assistance.

Third, the bill allows for government-sponsored mortgage holders to continue to loan funds at higher level loans so that high cost areas are still covered. The current law expires in December. The Department of Housing and Urban Development expects that in anticipation of the expiration of the authority lenders will start to stop credit for these high-cost loans as early as November.

The House has already approved this provision in its 2010 THUD Appropriations bill, but since that bill has not yet been completed, this action is necessary at this time.

Some of my colleagues may be concerned that we have attached the CR to this bill. It is clear as I have pointed out that we cannot expedite passage of appropriations bills this year because of a small number of opponents. Each bill has taken nearly a week to pass all because of a few Members wanting to delay.

For example, the Energy Water conference report which passed with nearly 80 votes took 3 days of delay before we were allowed to vote.

As such, regrettably this approach is necessary. I urge all my colleagues to support the swift passage of this bill to avoid a devastating shut down of government operations.

And, finally I urge my colleagues to cooperate with the managers of our appropriations bills in the coming weeks as we seek to pass our remaining bills. Without cooperation, we will no doubt be forced to return to an omnibus-type of approach which limits all Members' right to debate and amend the measures that the committee has recommended.

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement and continuing appropriation resolution to provide over \$32 billion for a variety of important environmental, forest and land, national parks and infrastructure purposes; as well as to extend



funding for other Federal programs through December 18.

I am pleased this bill includes the full \$475 million for Great Lakes Restoration Initiative, GLRI, as requested in the President's budget. The GLRI is a multi-agency effort to address the array of current and historic threats facing the Great Lakes, such as invasive species, habitat loss, and pollution. The Environmental Protection Agency has prepared a spending plan for this money based on years of research and cooperative work with other Federal, State, tribal, and local partners, and the EPA will measure results to ensure accountability. This bill includes language, which I supported, to ensure that steamships in the Great Lakes are able to continue to operate. The compromise included in this bill allows the EPA to move forward with a proposed air emission regulation for maritime vessels operating on the coasts while the EPA works with the Great Lakes shipping community on compliance. Additionally, the EPA will conduct additional economic analysis for the Great Lakes region.

This bill provides \$2.7 billion for our National Park Service, an increase of \$200 million from last year's level, which I support. That increase would help maintain and protect the natural, historic and recreational resources of the six National Park units in Michigan. I am pleased conferees favorably responded to my request to waive the match requirement for Quincy Smelter funding, located within Keweenaw National Historical Park in the Upper Peninsula of Michigan. The bill includes \$1 million to stabilize the deteriorating buildings at the Quincy smelting complex, which is the best remaining example of a copper smelter of its era in the country, and possibly the world. The smelter has been identified by the Park Service as a core resource in the park, yet its structures have deteriorated significantly since the smelter closed in 1971. Over the past couple of years, some parts of the smelter buildings have collapsed and last year, a smokestack, which is a critical part of the landscape, had to be removed because it was in danger of imminent collapse. With the waiver language included, this funding can be used to stabilize the buildings to prevent additional structural failures, saving one of the most important resources of the park.

Importantly, the bill would provide \$1.4 billion to capitalize the Drinking Water State Revolving Fund and \$2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in this conference agreement more than doubles the amount provided in the fiscal year 2009 omnibus. Michigan would receive about \$41 million for drinking water and \$90 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

This appropriations conference agreement would provide a significant

boost to protect and clean up the Great Lakes, protect the environment, improve Michigan's parks and lands, provide communities with safe drinking water and improved wastewater infrastructure, and I support its passage.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, is there a time limit on this side?

The PRESIDING OFFICER. The minority still has 28 minutes remaining.

Mr. SESSIONS. I ask to be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Madam President, a number of appropriations bills, as Senator INOUE has said, have moved forward this year, and I do not think it is obstructive or an effort to delay to try to make sure those bills spend the taxpayers' money at a reasonable level and for things that serve the national interest.

Let me talk about the bill before us today. It is stunning in its increase in spending at a time when we are not able to spend at this level. Some people dismiss the persons at the tea parties who have been ringing our phones and sending us messages and e-mails about the reckless rate of spending. I believe, unfortunately, that as a body this Senate is in denial. The Senate is of the belief that it is business as usual, that we will get together and have these meetings in these committees and bills will be dropped on the floor, with unprecedented rates of spending increases, and everybody will vote for it and it is OK because that is what we always do.

Actually, what we are doing today is worse than what we have been doing in the past. The spending increase levels are at rates that are breathtaking. I have to talk about it.

I would like to support the Interior bill. I know the Environmental Protection Agency is an important agency. We are not trying to eliminate them. But let's take a look at a few things. The Senate bill this year for Interior and EPA has a 16.9-percent increase. At this rate, spending for the Interior-EPA would double in only 4 to 5 years, the whole budget would double in 4 to 5 years at this rate of increase. Inflation today is less than 1 percent. The Environmental Protection Agency spending increase is 37.7 percent in this legislation, a 37-percent increase. At that rate, the whole EPA budget would double in 2 to 3 years.

You say, surely you are considering some of the stimulus money we passed, the \$800 billion stimulus package that was supposed to create jobs, which was passed in February of this year. No, I am not. This is the baseline budget bill. If you add the stimulus for fiscal year 2010, we would have a 57-percent increase. The 2-year increase from 2008 to fiscal year 2010 would be 62-percent, assuming we are adding stimulus spending to FY2010. But that does not include the emergency funding that may occur for fires or floods or storms.

Some Senators have the gumption to come down here and ask: What are we doing? How can we continue to spend like this? Aren't we being irresponsible? Are you listening, fellow colleagues, to your phone calls, to your e-mails, to your letters and your town-hall meetings? Are you listening to them or do you think this is just business as usual? We make a few deals and we pass a bill. Everybody is happy, and we pat everybody on the back.

Let me show a few charts that relate to that issue. This is the Environment and Interior appropriations history for the last several years. A lot of my colleagues say President Bush spent so badly. Well, sometimes he did. But from calendar year 2001 through 2009, the spending increases averaged only 1 percent in these departments. Look at this year. It was an actual reduction. Now we have a 16-, 17-percent increase, and that does not include the \$11 billion from the stimulus package. That totals, then, a 57-percent increase in this Interior bill.

I can't vote for this. How can I go back home and tell my people, when I said I am concerned about spending and we have to do better, yes, constituents, I know we have to do better and then waltz into the Senate and vote for a bill such as this? No matter how much good people say is in it, we don't have the money.

This year the budget deficit hit, as of September 30, about four times the highest budget deficit we have ever had in the history of the Republic, \$1.4 trillion.

Look at the Ag bill. The Agriculture bill, we were waltzing along with a 2-percent average annual increase from 2001 through 2009. That includes 2009. We end up with another 14 percent increase in Agriculture. That does not count the stimulus package. Agriculture got a good bit out of the \$800 billion stimulus package.

What about the THUD? Boy, it is a thud in terms of what impact there will be on the deficit for the Nation. Discretionary appropriations from 1995 to 2009 averaged an increase of 5.2 percent. What about 2010? A 23-percent increase. That is budget baseline spending.

I ask my colleagues, is anybody listening to their constituents or are Alabama constituents the only ones who care about the financial future of this country? Are they the only ones who care about their grandchildren? I don't think so. I think my colleagues are hearing some of the same thing.

So how do we come up with these increases? Here is the State Department and the Foreign Operations bill. As I said, from 1995 through 2009, over 14 years, all our discretionary spending averaged an increase of 5.2 percent. What do we get today? Look at this, a 32 percent increase in 1 year. In 3 years, that doubles the whole foreign ops budget.

What does it mean? These are not exaggerations. I hope my colleagues and

the American people look at this chart. We ended fiscal year 2008 with a \$5.8 trillion total American debt. That is how much we owed to the public. In 2013, according to our own Congressional Budget Office, based on President Obama's spending plan, it will double to \$11.8 trillion, doubling the entire national debt in 5 years. By 2019, the 10-year budget window the President has submitted to us, his budget for that period, it would triple the debt to \$17.3 trillion. This takes us too close to having a debt equal to 100 percent of America's gross domestic product.

According to the Heritage Foundation, there are gimmicks in these numbers. They estimate it will be closer to \$20 trillion, and that is going to be about 100 percent of the entire gross domestic product, which is considered very bad in international circles and historically has always resulted in adverse economic ramifications.

One more thing. The numbers get so large. You talk about trillions and billions, and it is hard to get a grip on what we are talking about. Most of us can understand what interest is on our debt. We can understand that. We pay a mortgage. You take out a mortgage and most of the money you pay the mortgage company goes to interest until it begins to go down over a period. If we look at this chart, we will see what would happen to the government's interest payment. Despite these surging increases, the Interior budget for parks and the EPA budget combined for all this year is \$32 billion. That is a huge sum of money. Alabama's total budget, including education and general funds, is about \$7 billion, the whole State of Alabama. So we are spending 32 nationally on Interior and EPA. This past year, fiscal year 2009, we spent \$170 billion just to pay the interest on the money we borrowed for the \$5.8 trillion in debt we had when the year started. So we paid \$170 billion in interest. That is more than five times the Interior budget we are passing today, as big as it is and much as it has expanded. Look how it increases in only 10 years. According to the CBO, which is by far the most conservative analysis, it ends up at \$799 billion in interest in 1 year. That is not paid to some other government agency, it is paid to people who hold our Treasury bills because, during this period, instead of paying interest on \$5 trillion, we will be paying interest on \$17 trillion, and the interest rates are unusually low today. CBO experts expect those interest rates to increase.

The result is, we are talking about \$800 billion in interest. If there are higher rates of interest, as the blue chip outside economists project, they project it would be \$865 billion in interest in 1 year on the public debt, much of it interest paid to people in foreign countries, countries, states who own our treasury bills and buy our debt, leaving us weakened economically, politically, strategically, our security weakened, when we are that much in debt to people around the globe.

I believe Americans are getting it. That is why they are writing us. They would like to see us do better. Are we doing better? The charts I showed indicate we are doing worse. It is time to say: No, we don't have the money. The average household income for an American citizen fell 3.6 percent. So the average household is seeing a 3.6-percent reduction, and States all over America are reducing their spending and making improvements in efficiency and taking other tough steps to contain spending. We are spending like crazy. Remember, we passed an \$800 billion stimulus package in February. That is such a huge number. It is the largest spending bill this Republic has ever passed, \$800 billion in one fell swoop after a few weeks of being in session. It had to pass supposedly. Unemployment was going to go up if we didn't pass it. So in panic—not with my vote—this Congress passed that stimulus bill, and we have seen very little stimulus results from it.

Unemployment in my State is about twice what it was before this recession started. So we have a problem, and we are not going to just borrow our way out of it. In the long run, I am concerned about this spending level and the debt level because there is no plan to make it better. According to the Congressional Budget Office, in 2019, what will the deficit be? Will it be going down? Will we be beginning to pay off the debt, the money we have borrowed? No. In 2019, they project the annual deficit that year to be over \$1 trillion—in 1 year, over \$1 trillion—in 1 year to add to the total national debt.

This is irresponsible. There was an article in today's Washington Times by one of their economists who pointed out the tremendous—

The PRESIDING OFFICER. The Senator asked to be notified after 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair, and I will wrap up.

He just noted the severe risk this kind of surging debt—the likes of which the country has never before seen or participated in. Those risks are real. He emphasized our national security. But many people are emphasizing the risk to our economy and our future growth. We are going to have to pay, in 2019, \$800 billion, at least, in interest before we start buying the things America needs for its government to operate. Instead of \$170 billion, we are going to be spending \$800 billion.

Why? Because we cannot say no. Why? Because we are addicted to higher and higher spending. I think it is irresponsible. I certainly believe our colleagues who produce these bills think they are doing well and operate within reality, and it is hard, they think, to make any changes. But why can't we? States are making changes. People in their homes are making changes. Why can't we make changes?

I think we can. I do not think it is a little bitty matter. It is not a political matter. I keep hearing Democratic col-

leagues also expressing great concern about this debt. They try to blame it on President Bush and other things. But at some point it is our spending. President Bush did not propose to increase the Interior spending by 17 percent. The Democratic leadership proposed that, and all these other bills we have.

So we have to do better. I will be voting no, regretfully, and I hope more of my colleagues will join me because we need to begin to say: No, we cannot continue on this road. We are not in denial. We do believe our constituents have valid concerns about reckless spending, and we are going to try to act in a way that again wins their trust.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I yield 10 minutes of our time to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me thank Senator FEINSTEIN and also Senator ALEXANDER for the work they have done on this bill. I used to be the ranking member of this subcommittee, and I understand many of the issues in this bill. The breadth and scope of it is very substantial, and I think they have done a good job.

I want to mention two things that are very small parts of this bill but, nonetheless, I think important. One is the issue of something called hydraulic fracturing. The reason I mention it is, there is a lot of discussion about how important it is for us to become less dependent on foreign energy. We need to become less dependent on oil from places like Saudi Arabia, Kuwait, Iraq, Venezuela and so on.

Madam President, about 70 percent of our oil comes from overseas. The fact is, we use a prodigious amount of oil.

The U.S. has about 5 percent of the world's population, but we use almost 25 percent of the oil. Seventy percent of it comes from off our shores from other countries, and 70 percent of all the oil we use is used for transportation. So we need to continue to develop resources at home if we are going to become less dependent on foreign energy.

There is a provision included in the Interior conference report related to hydraulic fracturing. This small provision requires a study by the EPA of hydraulic fracturing and drinking water. What I want to mention is this: In the subcommittee I chair on Energy and Water Development, I have continued to include research and development funding for oil and natural gas programs. We lead the world in unconventional oil and gas production, in part, because of this funding.

We are now discovering new fields in shale and tight sands reservoirs because we can use technologies that we



could not benefit from 5 and 10 years ago. Just think we now explore 2 miles beneath the surface of the Earth areas of shale and go into seams 100-foot thick. We have the ability to drill down 2 miles, make a big curve, and drill out 2 miles to reach the resource. So you have a 4-mile circuit with this one drilling rig and you go into a shale deposit more than out 2 miles out. To exploit the resource, companies use hydraulic fracturing by using water under high pressure. It allows them to break down that shale, and you have oil production.

The U.S. Geological Survey did a survey in North Dakota in an area called the Bakken shale. It is an area about 100-foot thick 2 miles down. They said using today's technology—today's technology—there is up to 4.3 billion barrels of recoverable oil in place. That is the largest assessment of recoverable oil they have ever found in the Lower 48 States. Think of that. But none of that resource would be available without the use of hydraulic fracturing.

By the way, this issue of hydraulic fracturing—water under high pressure to break that shale—we have been doing that for 60 years. There has been many studies, and there is simply no problem with it when properly applied. These studies show that it does not contaminate groundwater. In fact, the EPA itself did a study in 2004 and concluded there is no problem.

Well, some of our colleagues are concerned, and they have legislation to regulate hydraulic fracturing on a federal level. In the House Interior Appropriations bill, there was a requirement for the EPA to do a study. I would say the Senate did not have that requirement in its bill. I worked with other Senators and, but we requested that certain guidelines be in the study. Those requests were included in the conference report. I do not mind there being a study because I believe that it will demonstrate what we already know and what the EPA has previously discovered in their study. This issue of hydraulic fracturing is not a problem. We do need to continue to produce more energy in this country to make us less dependent on foreign oil and find ways to use more domestic natural gas. It is just a fact, and it will not continue unless we can continue the hydraulic fracturing that unleashes the opportunity of these oil and natural gas fields.

So that is a small piece of this very big bill, but I think one that is very important. I wanted to make that point.

I want to make one additional point, and this actually relates to the success of something we took out of this bill. I want to just describe it for a moment. Some things just sort of drive you batty about the way government works. Government gets big, and somehow it just leaves common sense behind from time to time. This was a circumstance where in a national park in North Dakota, the Badlands—the Theo-

dore Roosevelt National Park—they have to thin the elk herd. There are too many elk—about 900 elk. It can only handle about 250 or 300 elk. So you have to get rid of some elk; you have to thin the herd.

Like a lot of government solutions, the solution was, well, maybe we should hire Federal sharpshooters and then have helicopters we would hire to haul the meat out of the national park.

I said: I don't understand at all how you could think about that. There are plenty of people who are qualified hunters who would be happy to volunteer their time to thin the elk herd. You do not need Federal sharpshooters. You do not need helicopters. All you need is a barrel full of common sense.

So because we could not get that done, I put a piece in this Interior appropriations bill when we did it in the subcommittee, and all of a sudden everyone got serious about negotiating on how to do this. Kudos to the Interior Secretary and his staff. We have reached an agreement in principle now, and the Park Service has a proposal that it has set forth. My expectation is that this going to be solved in the right way. So we withdrew this provision from because we do not need it.

We have an agreement in principle, to use qualified North Dakota volunteers, deputized by the National Park Service, who will, under the guidance of the Park Service, thin the elk herd. We do not need to spend a lot of money doing it. All we need to do is just use some common sense, and that is exactly what we are doing.

I understand we have a circumstance where there is not quote, hunting, unquote, in national parks. So the first blush on all this was: Well, we can't do what you suggest, Senator DORGAN. We just can't do it. We are restricted.

Well, the fact is, we are going to use volunteers in a way that is consistent with both the law and common sense. We are not going to spend your money hiring sharpshooters. We are not going to spend your money hiring helicopters. We are going to do this the right way. It is not opening up a hunting season. It is just empowering qualified hunters, under the guidance of the Park Service, with the coordination of the State's game and fish department, to work as volunteers and do what we should just do. It is just a deep reservoir of common sense.

I am proud we have finally gotten that done. I know it is not the biggest issue in the world, but do you know what. There are a whole lot of folks in North Dakota who read about these "sharpshooters" and "helicopters" who said: Are you nuts? What are you thinking about? That is what got me involved. I understand, this does not meet the test at all. But now we have gotten it done, and we have the right solution.

So I want to thank Senator FEINSTEIN and Senator ALEXANDER. I thank the Interior Department for seeing a way to do this. There is a right way

and a wrong way. They saw the right way to do it, and I think it will be helpful to the American taxpayer. It will get the job done by thinning that elk herd and saving some money and giving some folks an opportunity to volunteer to serve their government.

So I wanted to mention that today and thank the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I want to thank the Senator from North Dakota, and tell him that misery loves company because in California we had a similar situation with the Point Reyes National Seashore Park, where there were growing numbers of whitetail deer, and the Park Service proceeded to do a somewhat similar thing, shoot them, and I believe in helicopters shoot them. All the residents got very upset because this is not an isolated community, and they began to call, and we worked out a solution—to use contraception, actually, to cull the herd.

But I do not know whether that is going to work. I think the Senator pointed out a good situation where the Park Service has to be more sensitive when it does some of these things.

I thank the Senator for the efforts he has made—and successful ones.

Mr. DORGAN. Well, Madam President, I would only say that we have not discussed contraception for elk in the national park, but contraception was once suggested for skunks in a wildlife refuge, and the question was who was going to get close enough to the skunks.

But I think we have solved this issue in a way that is satisfactory and especially beneficial to the taxpayer. I appreciate the work of the Senator from California.

Mrs. FEINSTEIN. Madam President, I say to the Senator, thank you. I appreciated his work.

Madam President, I yield 10 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

COMMENDING SENATOR EDWARD W. BROOKE

Mr. KIRK. Madam President, I thank the distinguished Senator from California and the Senator from Tennessee for allowing me to make a brief statement on a very important event that took place in this Capitol just yesterday.

I was privileged and deeply moved to witness a ceremony in the Rotunda of this building at which Edward W. Brooke, the distinguished former Republican Senator from Massachusetts, was honored with the Congressional Gold Medal.

This award, as you know, is the highest bipartisan award that Congress can bestow. The award to Republican Senator Brooke was the result of legislation sponsored by two history-conscious Democrats: Representative ELIZABETH HOLMES NORTON of Washington, DC, and Senator Ted Kennedy of Massachusetts, who served with Ed Brooke in the Senate for many years.

Senator Brooke was a trailblazer, a bridge builder, and a statesman. The grandson of a slave, he grew up in a segregated neighborhood not far from this Chamber. But he rose to become the first African American elected to the Senate.

I am proud, and the citizens of Massachusetts are proud, to have sent Ed Brooke to Washington. We saw yesterday what our State saw in him long ago: his strength, his wisdom, his decency, and his deep commitment to meeting the needs of the American people.

Ed Brooke was elected as a Republican, but the people of Massachusetts did not see him as a strident party man. They saw him as a great American and a model politician. They supported him because they understood that difficult times require statesmen who can work across party lines.

Returning to the Capitol yesterday, at the age of 90, Senator Brooke spoke powerfully about this Senate as a place where Members of both parties can and must work together for the common good. That was the spirit of the Senate in which Ed Brooke served. That was the spirit of the Senate that Ted Kennedy embraced, and the spirit that led to countless bipartisan accomplishments. It is a spirit we desperately need to revitalize as we work our way through the needed reform and repair of our broken health care system.

As an elder statesman of the Republican Party, this is what Senator Brooke said yesterday:

I'm here to tell you that politics is not an evil thing. It's a good thing, and when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the U.S. Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the Nation back in 1949, clear air and clear water, a health care bill.

Speaking to the Senate and to the House he went on:

You have awesome responsibilities. Not only this country, but this world looks to you. When Republicans and Democrats get together, they can do anything! And the country is waiting for you to do anything. They just want relief. You have that responsibility. You have that authority. You are the people on Earth who are going to save this country and save this world. Think about that. We have got to get together. We have no alternative. There is nothing left. It is time for politics to be put aside on the back burner.

With those words, the several hundred people in the Chamber came to their feet and cheered and applauded.

Like Senator Brooke, I have the perspective of someone who has spent the last few decades in private life. I can report that American families are deeply troubled by the economic hardship of the present and by the uncertainty of the future. It gives them no comfort to see the Senate so politically polarized and unwilling to come together in common cause without regard to politics to solve the critical problems before us.

As I said in my maiden speech in this Chamber 2 days ago, as the health care debate moves forward, we who are privileged to serve in this historic body on both sides of the aisle have the opportunity and the obligation to take the long view, to put partisan politics aside, and come together to seize this unique and critical moment in our history.

I have had the privilege in the past to serve as chairman of the Democratic Party of the United States, so I am no stranger to partisan politics. But I like to think I also know when it is time to put partisanship aside and work together.

As President Obama said yesterday, while we grace Senator Brooke with this honor today, perhaps a better tribute to him would be to embrace that spirit: to compete aggressively at the polls, but then work selflessly together to serve the Nation we love.

No words could serve as a better summons to the historic debate on health care that lies ahead of us. We are poised to enact the most significant domestic legislation since the civil rights era. I know each and every Senator has deeply held beliefs about how we can best reform our health care system and that those deeply held beliefs will sometimes collide. We should and we will have a vigorous debate in this Chamber. But that debate should reflect a level of cooperation that is equal to the magnitude of what is at stake for American families. It should reflect a spirit of teamwork and collaboration that we always saw in statesmen such as Ed Brooke and Ted Kennedy. Our times, and our Nation, demand nothing less.

I offer my sincere congratulations to Senator Brooke. I thank him for his service to this country and his wise counsel to those of us who are serving in the Senate today.

Madam President, I ask unanimous consent to have the remarks of Senator Brooke at yesterday's Congressional Gold Medal ceremony printed in the RECORD. I commend them to my colleagues, and I yield the floor.

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

Thank you for your very warm welcome. I want the record to show that I have turned on the sun since you came. Politicians sometimes take credit for things they had absolutely nothing to do with. But I'm proud, that after a rainy entry into Washington, that the sun is shining and that you will be able to enjoy this very beautiful city and this magnificent structure, the Capitol of the greatest country in the world. Majority Leader—Steny, how are you?

Republican Leader Mitch McConnell, Minority Leader John Boehner, and Minority Leader . . . oh you're back, thank you for coming back, my dear friend, the Speaker of the House. What a wonderful thing, to have the Speaker of the great House of Representatives, a lady.

I think that's progress, and I don't think it will be long before a lady will be the President of the United States.

Patrick, thank you for your kind words. It is very wonderful that you came to share in

this great moment of my life. You know how I feel about your family, you know how saddened I am that he's not on this platform today. In case you didn't know it, he started this together with Eleanor Holmes Norton. He called me one day and he said, Ed, come to my office, I'd like to see you. I went to his office and he said, we are introducing a bill to have you awarded the Congressional Gold Medal. I was shocked, I was in awe, but you can be sure I was pleased. Ted said don't you worry about a thing, you don't have to talk to anybody, you don't have to do a thing. I will do the Senate side, and Eleanor Holmes Norton will do the House side. And it happened. He had to get 76 United States Senators as co-sponsors of the bill, and poor Eleanor had to get only 290 Representatives to get it in the House of Representatives. But they were dauntless, and they went out and did their work, and before I knew it the Senate had passed the bill, the House had passed the bill, and I just got a call the other day that there was a debate on the floor, Madam Speaker, in order to use the rotunda of the Capitol for this occasion. And she said if you turn on C-SPAN, you'll see it. It will be a very spirited debate, and it was, and the vote was 417 to nothing. And if that isn't the way to win an election, I don't know what is. It's never been very easy.

This would be a perfect day for me in my life, if it weren't for the fact that my friend, my senior Senator, though he was much younger than I, would be here on this occasion. We don't control life and death, and we couldn't control Ted, or he would still be with us. But I am really honored to have with us on this occasion his wonderful wife Vicki, who has been such a wonderful person.

And to have my family, and my wife of 37 years, who's given me the best years of my life. My son and daughters, step-daughters, and grandchildren, so many aunts and cousins, I can't even begin to name you because it would take too long and the time the Speaker has given to this and the time the other members of the Senate and the House, I can't intrude upon their job.

This is a heady thing for me, it would be for anybody. I love this country, since the day I was born. And I was born here in the nation's capital, on October the 26th, 1919. Most of you weren't there at that time. And I'm here to tell you that politics is not an evil thing. It's a good thing and when used properly it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the nation back in 1949. Clear air and clear water, a health care bill—which I'm sure none of you want to hear about on this occasion. I'll give you at least a break from it. And I would not be presumptuous to tell you what to do, because I'm sure you don't know what you're going to do yourselves. You have awesome responsibilities. Not only this country, but this world looks to you. I was happy when you told me just a few minutes ago, Madam Speaker, that the Republicans and the Democrats played ball last night, and they played the Capitol Police. That was an awesome responsibility in and of itself. And that you won! It only meant to me that when Republicans and Democrats get together they can do anything!

And the country is waiting for you to do anything. They just want relief. You have that responsibility, you have that authority. You are the people on earth that are going to save this country and save this world. Think about that. Now we can worry about discouragement, what is it, when you can't stand the heat, get out of the kitchen? We can't

worry about that, Mitch McConnell, we can't worry about those things. We can't worry that you all can't get to that. We've got to get to it. There's nothing left. It's time for politics to be put aside on the back burner.

And we must lead by example and not by force. Security is foremost. This nation must always be strong militarily, if for no other reason than to protect itself. It's got to come first. And we've got to know how to use it. We got to use our diplomacy more and more and more. We've got to avoid these perils before they come before us, and then it takes too long. We can't keep fighting wars. We've got hungry people to feed, homeless people, homeless and ill-housed people to shelter, and young people to be educated. And so, on this occasion, I applaud the Congress for what it has done. Our three branches of government, as wonderfully founded by our Founding Fathers, our legislative branch is as strong as it wants to be. There is nothing that Congress can do that it can't correct. They have the power to do it. The President is powerful, but he has oversight of the Congress of the United States. We are part of that. And the judiciary must never politicize the Supreme Court and the Judiciary system. As Eleanor Holmes said, and I don't want to minimize this honor at all, but when she first told me that I got it I said Eleanor, I'll exchange the honor if the Congress will pass the voting rights act for the District of Columbia.

You know, Eleanor said one day, she called me when I turned 80. I was still playing tennis and riding horses in Virginia and living the life. My mother, bless her heart, lived to 100. She said to me, "keep moving, don't stop." But I wasn't feeling too well. Eleanor called me one day when I wasn't feeling too good. And I told her I didn't feel so well and didn't know if I would make it. And she said to me, "Senator, you can't die before the Congressional Gold Medal." So I kept my political promise to her.

Thank all of you. I wish I could call all of you by name and give you a hug and kiss you. You are all my friends and you are a part of my family and I love all of you. And I wish all of that could happen, but obviously it can't. I want you to know I am appreciative that you have come these distances to be with me on this occasion.

I'm going to conclude with the words of Him that I recite. My staff will tell you, and I had the best staff in the world, I know all of you think so, but they've been wonderful. "God of justice save the people from the wars of race and creed, from the strife of class and friction, make our nation free indeed. Keep her faith in the simple man stronger than when she became, until she finds her full fruition in the brotherhood of man."

Madam Speaker, Leaders of the Congress, Members of the Congress, my old colleagues, family and friends, I accept this honor with the deepest humility and everlasting gratitude.

Ms. LANDRIEU. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for fiscal year 2010 and to speak on the conference report language regarding hydraulic fracturing.

America's oil and natural gas industry is an important driver for the national economy. A recent study reveals this industry supports more than 9 million jobs and accounts for roughly 7.5 percent of the U.S. gross domestic product.

Developing untapped resources could add further value to the U.S. economy

and aid in economic recovery. According to a recent ICF international study, developing areas that are currently or were recently off limits could generate \$1.7 trillion for Federal, State, and local governments over the life of the resource, as well as contribute 160,000 jobs by 2030.

As our country moves towards a new energy future, oil and natural gas will continue to play a key role in our Nation's energy supply for years to come. According to the Energy Information Administration, energy demand will grow by 9 percent between 2007 and 2030. More than half of this demand is expected to be met by oil and natural gas, as is the case today.

How will the U.S. meet this growing demand? There are significant resources available to recover here at home. The Bakken formation in North Dakota, Montana, and South Dakota is estimated by USGS to contain up to 4.3 billion barrels of oil—a 25-fold increase compared to government estimates from 30 years ago.

In my home State of Louisiana, the recent development of the Haynesville shale formation will also contribute to supply the growing demand. Experts estimate that there is 250 Tcf of recoverable gas in the Haynesville shale. Last year, the U.S. consumed 23 Tcf, which means there is enough gas in just the Haynesville shale to supply the U.S. population for 11 years.

On July 28, 2009, the New York Times reported: "Nobody knows for certain how big an area the Haynesville Shale covers—no government entity has mapped it. But energy companies and experts say it is large, possibly the largest in the lower 48 states, with an estimated 250 trillion cubic feet of recoverable gas. It is up to 13,000 feet underground, extending into East Texas."

In addition, a recent study estimates that primarily due to the recent shale gas developments across the country, the U.S. has roughly a 100-year supply of natural gas reserves. The study was conducted by the Potential Gas Committee—a group of academics and industry experts supported by the Colorado School of Mines. This represents a 35 percent increase in reserves versus a couple years ago—the largest increase in the history of reports from the Committee.

However, these resources are not a guaranteed supply for the U.S. economy. Both the Bakken formation and the large new natural gas shale deposits—found in the Marcellus, Barnett, Haynesville, and other shale plays across the country—are developed using a combination of production technologies such as hydraulic fracturing and horizontal drilling.

Unfortunately, some opponents of oil and natural gas production are attempting to prevent the use of hydraulic fracturing. This could have significant impacts on the future of shale gas and oil production. A 2006 government-industry study found that 60–80 percent of the wells to be drilled in the next

decade will require hydraulic fracturing.

This technology can be used safely in an environmentally responsible manner. Hydraulic fracturing has been around for roughly 60 years. Current industry well design practices provide multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

The conference report to H.R. 2996 proposes an EPA study of hydraulic fracturing's impacts on drinking water supplies. It is important to note that EPA studied this issue in 2004 and concluded "the injection of hydraulic fracturing fluids . . . pose little or no threat to (underground drinking water)." Any new study must be conducted in a comprehensive, scientific, credible, and transparent manner. It should include a review of other existing studies regarding hydraulic fracturing and its potential impacts, and it should involve interested stakeholders during key stages of the study.

Hydraulic fracturing can play a major role in our energy future, and this technology can continue to be used in a responsible manner. I urge EPA to undertake this study in a responsible manner.

Mr. VOINOVICH. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for 2010. This legislation will help our Nation perform a variety of vital functions that serve to protect the Nation's environment, properly manage its natural resources and provide funding for critical water infrastructure projects. The bill will fund the activities of a number of important initiatives such as the Clean Water and Drinking Water State Revolving Loan Fund, the Great Lakes Restoration Initiative, and the Diesel Emissions Reduction Act. This bill will help to ensure that we wisely spend our Federal monies in the most effective and efficient manner possible.

In particular, I would like to address the specific language in the conference report addressing the request for a study regarding the use of hydraulic fracturing, an extremely important tool that will help us unlock the vast potential of our own domestic oil and gas supplies. As we all know, it is in the best interests of our Nation to become more energy secure and to reduce our reliance on foreign oil supplies. Harmful reliance on foreign supplies can certainly have adverse national security and economic implications for our country. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. Current events compel us to proceed forward with the efficient development of our own domestic energy resources. Our continued economic prosperity, as well as the national security of the country itself, depends on the development of clean, secure and affordable energy supplies such as natural gas.

One of the most significant ways to help us tap our natural gas is through the use of hydraulic fracturing. Hydraulic fracturing is a technique that has been commonly used in industry for many decades to allow our gas reserves below ground to move freely from the rock pores where it is trapped to a producing well that can readily bring the gas to the surface. This technique is particularly used to help us tap the vast potential of our unconventional gas supplies in the United States, including tight geological formations like some coalbeds, sandstones and shales where huge amounts of gas presently are located. To obtain this gas, a well is drilled into this area and a fracturing fluid, usually consisting primarily of water and sand. This highly-reliable and cost-effective technology was developed in the late 1940s and has been continuously improved and applied since that time.

Hydraulic fracturing will undoubtedly play an important role in our future energy plans. Hydraulic fracturing will help us to develop our vast potential of oil and gas supplies more efficiently and will allow us to develop many resources that we would not otherwise be able to retrieve. Application of hydraulic fracturing to increase recovery is estimated to account for 30 percent of U.S. recoverable oil and gas reserves and has been responsible for the addition of more than 7 billion barrels of oil and 600 trillion cubic feet of natural gas to meet the Nation's energy needs. The National Petroleum Council estimates that 60 to 80 percent of all the wells drilled in the next decade to meet natural gas demand will require fracturing.

In 2004, the Environmental Protection Agency issued a report on hydraulic fracturing which the Agency characterized as the most extensive study of the technique ever performed. That study focused on hydraulic fracturing of coalbed methane wells, which was viewed as a "worst case" scenario in terms of the potential impacts on drinking water aquifers because hydraulic fracturing of these coalbed methane wells tends to take place at shallower depths than hydraulic fracturing of shales or other types of formations. This study carefully investigated all of the facts of hydraulic fracturing and was extensively reviewed by numerous EPA offices, other Federal agencies, a panel of technical experts and members of the public. Based on its investigation, this study again confirmed that there is no evidence that hydraulic fracturing has resulted in the contamination of drinking water supplies and that this technique poses little threat to human health and the environment.

In light of this work, the Congress reaffirmed in the Energy Policy Act of 2005 that hydraulic fracturing should not be regulated as underground injection under the Federal Safe Drinking Water Act except in very limited circumstances. Federal regulation would

not result in any additional environmental benefits and could impose unnecessary burdens on the use of this critical technology that would impede development of our domestic energy resources.

This new study that Congress is requesting of the Environmental Protection Agency is intended to review the risks, if any, that hydraulic fracturing poses to drinking water sources. Just like the Agency's prior study, this study should be conducted using a systematic, scientific approach that assures transparency, validity, and accuracy. The study should be based on accepted quality assurance guidelines to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include other appropriate Federal agencies as well as the State regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions, or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing. The 2004 study spent a considerable amount of time examining the hydraulic fracturing process, including the depth at which hydraulic fracturing activities take place as compared to the much shallower depths of drinking water aquifers, the physical characteristics of the rock formations that separate the zones targeted for oil and gas production and the drinking water aquifers and the creation of fractures during the hydraulic fracturing process.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the

study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Mr. REED. Madam President, I want to thank Chairman FEINSTEIN for her work on this bill.

I appreciate the attention that she has given to a number of key investments, particularly funding for the state revolving funds for sewer and drinking water infrastructure, which I have strongly supported. These investments are not just a matter of improving public health and environmental quality; they are a matter of job creation, which is all important at this time.

I am concerned, however, about a provision that was included at the insistence of the House of Representatives that will exempt certain vessels on the Great Lakes from regulation under a proposed EPA rule designed to limit emissions from marine diesel engines. I know that this provision is not one that was advanced by Chairman FEINSTEIN, and I appreciate her efforts to prevent a larger exemption than is in this bill.

Although the exemption included in this bill is limited to 13 vessels, the impact on public health has not been explained. In addition, the conference report includes language that encourages EPA to adopt additional exemptions for vessels on the Great Lakes in its final rule. As a result, I am alarmed about the potential impact on air quality in downwind States, like Rhode Island, which, I must note, will be required to comply with EPA's regulations on marine diesel engines.

Representing a State that has an unfortunately high unemployment rate, I have great sympathy for those who called for this exemption on the basis of potential economic impact on a local industry. On the other hand, my constituents bear the environmental and health burdens that come from pollution that originates from the Midwest.

Last week, the Northeast States for Coordinated Air Use Management, NESCAUM, which represents air quality agencies in Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, wrote to express its deep concern about any effort to delay or limit EPA's regulations on marine diesel engines based on the potential environmental impacts and the impacts on international efforts to reduce emissions from marine engines. I will ask that this letter be printed in the RECORD.

I would hope that after a more thorough deliberation we will have a chance to revisit this issue and provide appropriate protection to downwind States.

Again, I appreciate the efforts of the chairman to limit the reach of this provision and for the important investments she has made in this bill. I am grateful for her leadership and am honored to serve with her.

Madam President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

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

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT,  
Boston, MA, October 21, 2009.

Sen. JACK REED,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR REED: The Northeast States for Coordinated Air Use Management (NESCAUM) has recently learned of an effort to attach a rider to the FY 2010 Interior and Environment Appropriations Bill that would have the effect of delaying or limiting the U.S. Environmental Protection Agency's (EPA) ability to reduce air pollution from large marine vessels that operate in domestic waterways. NESCAUM is the association of eight northeastern state air pollution programs that includes Rhode Island along with Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Vermont. Consistent with our mission to protect and enhance air quality in the Northeast, NESCAUM opposes attempts to use the federal appropriations process to obstruct EPA's efforts to reduce emissions from large marine vessels.

Air pollution is not confined to state boundaries. Through long-range transport in the atmosphere, pollutants emitted in domestic waters, such as the Great Lakes, affect air quality in the Northeast. We point out that one of our member states, New York, has the third longest shoreline among the Great Lakes states. The fuel controls proposed by EPA will significantly reduce emissions of sulfur dioxide and nitrogen oxides (NO<sub>x</sub>), which contribute to ground-level ozone (smog), particulate matter, and acid rain. As a result, the Northeast will realize significant public health and other environmental benefits from implementing EPA's proposed rule not only in the Northeast's local waters, but in upwind waters as well.

In addition to the negative public health and environmental implications, a special exclusion for vessels predominantly operating in domestic waters sends the wrong message to the international community regarding the U.S. commitment to reduce emissions from ocean going vessels. The governments of the United States and Canada have applied to the International Maritime Organization (IMO) for designation of their coasts as an Emission Control Area (ECA). The ECA designation establishes stringent controls for fuel sulfur and engine NO<sub>x</sub> emissions for all ships, foreign and domestic, operating in coastal waterways. A significant change in U.S. policy at this critical juncture of the ECA application process, as signaled by such a rider to an appropriations bill, could jeopardize the standing of U.S.-Canadian application before the IMO. We should approach the IMO with "clean hands" by demonstrating our commitment to do for ourselves what we are asking others to do for us as well.

For these reasons, we urge you to oppose the impending rider to the FY 2010 Interior and Environment Appropriations Bill. Thank you for your consideration.

Sincerely,

ARTHUR N. MARIN,  
Executive Director.

Mr. FEINGOLD. Madam President, I support many of the provisions in the Interior appropriations conference report, including the amendment I passed to allow the Federal Government to partner with private entities to develop

new biofuels technologies. This provision is part of my E4 Initiative to promote the economy, employment, education and energy, and it will help us to find ways to break our addiction to oil, while also spurring job creation and enhancing rural development. The bill also includes funding for many other important programs that I support, including full funding for the new Great Lakes Restoration Initiative, as well as money for the Land and Water Conservation Fund, State wildlife grants, national wildlife refuges, and the Clean Water and Drinking Water State Revolving Funds, and funding to assist American Indian tribes through the Indian Health Services and tribal law enforcement programs.

I cannot vote for the bill, however, because it includes a continuing resolution, added in conference, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the global threats to our national security posed by al-Qaida.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

Mr. KYL. Madam President, I regret that I must vote in opposition to the fiscal year 2010 Interior Appropriations conference report. There are too many objectionable provisions—and spending levels are too high—for me to vote yes.

The Interior appropriations in this bill total 17 percent more than last year's level. That compares to an increase of 5 percent for Homeland Security functions and approximately 3.7 percent for Defense. At that level, the military will not even be able to recapitalize equipment used during the wars, or procure new modern equipment.

Consider some of the other spending increases provided in this bill: the Environmental Protection Agency will receive a 35 percent increase for fiscal year 2010. The National Gallery of Art will receive a 36 percent increase, for a total funding level for fiscal year 2010 of \$167 million.

Another concern I have involves wildland fire funding. During consideration of the fiscal year 2010 Interior bill, Senator BARRASSO and I offered an amendment to prohibit \$2.8 million in wildland fire funds from being spent in the District of Columbia for festivals and the Mayor's Green Job Corps program. Clearly, neither of these pro-

grams is fire related. The amendment was adopted, yet the Interior Appropriations conference report does not include the amendment. Instead, it allows these much needed fire dollars to go to a city that has never experienced a wildfire and does not have any national forest land.

While sensible provisions like the Barrasso/Kyl wildland fire amendment were struck from this conference report, other problematic provisions, that were not part of either the House or the Senate bill, were airdropped in. The Interior conference report now includes Davis-Bacon requirements for projects funded through the Clean Water Act and the Drinking Water Act Revolving Fund. EPA has not applied Davis-Bacon requirements to infrastructure projects funded through the State revolving funds since its authorization expired in 1995. In addition, the Act made it clear that Davis Bacon was limited in its application to water infrastructure projects constructed in whole or in part before October 1, 1994 with funds "directly made available by" capitalization grants. Davis-Bacon requirements have been found to increase the cost of these projects dramatically. This is a major policy issue that should be fully debated on the floor instead of being added to an appropriations bill behind closed doors.

Another provision of concern is the newly added exemption from Clean Air standards for steamships operating on Great Lakes. Whether or not it is a good idea to exempt the steamships, it is just another example of provisions being added in conference even though no similar provisions were included in either the House or the Senate bill.

I do support the continuing resolution that is included. For my part, I would have extended the CR beyond December 18. It would hold spending to fiscal year 2009 levels.

The bill also allows the limit on loans backed by the Federal Housing Administration, FHA, Fannie Mae and Freddie Mac to remain as high as \$729,750 in high cost markets through 2010. While the intent is to ensure that homebuyers can get government-backed financing, there are unintended consequences that we have to consider. By increasing the number of homebuyers who can qualify for government loans, we are in effect exposing these government entities and taxpayers to more liabilities. The FHA's loss reserve fund, for instance, is estimated to cover only 3 percent of all FHA loans. If delinquencies continue at the current rate and cause the reserve fund to fall below the 2-percent threshold set by Congress, another government bailout may be on the horizon.

This bill also contains a provision that purports to prohibit the use of funds for the transfer of Guantanamo Bay detainees to the United States or its territories. The problem with the restriction is that it contains a rather significant loophole: It would permit the use of funds appropriated by this

bill to transfer Guantanamo detainees to the United States for the purposes of trial. We do not need to bring detainees to the United States for trial. Congress has established military commissions for the express purpose of prosecuting these detainees, and these military commissions can be convened in the place of detention.

There are very good reasons why this bill should deny funding for pre-trial transfer and require instead that detainees be tried in military commissions outside the country. First, if detainees are brought to the United States, even for detention and trial, it increases the chance they may be released into the country. Officials from the Obama administration have acknowledged that detainees present in the United States likely have more rights including constitutional rights than those held outside the country. Second, past public criminal trials of terrorists, namely the Blind Sheikh and Ramzi Yousef trials, have compromised U.S. intelligence information on al-Qaida. Third, importing al Qaeda terrorists into U.S. domestic prison facilities would provide them access to a prisoner population that FBI Director Mueller has identified as particularly vulnerable to extremist recruitment. And finally, the logistics of the Zacarias Moussaoui criminal trial are not something we should foist upon local officials numerous times over. During his trial in Alexandria, VA, the Washington Post described the city as a "virtual encampment."

Military commissions are fair to the accused and they are the appropriate forum for prosecuting detainees who are being held at Guantanamo. Indeed, in the defense authorization bill, the Senate went on record that the appropriate forum for bringing to justice combatants is military commissions, not civilian courts. By permitting the transfer of detainees to the United States for trial, this bill ignores not only the clear import of legislative enactments, but also the significant practical problems of prosecuting terrorists in the United States.

Finally, I would caution that including \$382 million for climate change-related activities seems premature, given that the Senate has not yet even taken up climate legislation.

There are some good items in the bill that I should mention. First, the forest provisions. The bill includes \$2 million for the Southwest Ecological Restoration Institutes, with \$1.5 million going to the Ecological Restoration Institute, ERI, as is authorized by law and included in the President's budget. The Institute's program is important to providing the best available science to restore western forests and protect communities from unnaturally severe wildfires on a landscape scale.

In addition, the bill tries to address the Forest Service and Department of the Interior wildfire cost overruns that have lead to borrowing from their other programs to cover wildfire costs.

Of note is the instruction to the agencies to develop new methods that consider actual prior year expenditures for formulating fire suppression funding estimates as part of their fiscal 2011 budget request, instead of just using the agency 10-year average. It also includes \$474 million for two funds that will cover the costs of the largest and most expensive wildfires.

Second, the bill includes language that begins to address environmental concerns raised about the administration's push for renewable energy development on public lands. Specifically, the bill language expresses concern about the effect renewable energy projects will have on water resources. In addition, the language requires a report from the Department of Interior and the Forest Service outlining a strategic plan for renewable energy project development, and requires in that plan that impact on water resources be a part of any recommendation for specific project areas. These provisions are particularly important in western states where there are large amounts of public land and water supplies are limited.

It is unfortunate that I must cast a "no" vote today. As many know, Interior-related funds are critical to Arizona. But, too much spending, and too many ill-considered authorizing provisions, as I have outlined, forces me to vote no.

Mrs. HUTCHISON. Madam President, I rise today to talk about an issue of great importance to our Nation's energy supply and our ability to continue producing affordable and reliable domestic energy. In particular, I would like to speak about a provision in the fiscal year 2010 Department of Interior, Environment and Related Agencies Appropriations Act conference report which pertains to a study on the use of hydraulic fracturing, an extremely important tool that will enable us to unlock the vast potential of our domestic oil and gas supplies.

Hydraulic fracturing is a critical technique used in producing domestic oil and gas resources. Across the country, leaders are recognizing the growing importance of natural gas to our Nation's energy supply. Natural gas is the most abundant form of clean energy in the United States. Natural gas, including gas from coal beds and other unconventional sources, is becoming an increasingly important energy source for the United States. Most experts predict that demand for natural gas is likely to increase dramatically in the next decade. The increased production of natural gas will both enhance our energy security and help us address the problem of carbon reduction.

The Interior appropriations conference report includes a provision to study the relationship between hydraulic fracturing and drinking water. It is imperative that we ensure that any study conducted is based strictly on facts and science. Specifically, any study must be conducted in a com-

prehensive, scientific, credible and transparent manner. It must be based upon the best available science as well as independent sources of information. Additionally, it should allow for stakeholder participation and should be conducted in coordination with states and interstate regulator agencies. Finally, the study should seek input and participation from industry and be peer reviewed. This will ensure that the study is credible and useful.

I am confident that if properly conducted, the proposed study will clarify that the use of hydraulic fracturing will help to increase our domestic resource potential while posing no environmental harm.

Mrs. FEINSTEIN. Madam President, pursuant to rule XLIV of the Standing Rules of the Senate, all congressionally directed spending items contained in the Interior appropriations conference report are to be disclosed. The Statement of Managers that accompanies this conference report does, in fact, contain tables which disclose the required information. In an effort, however, to go well beyond the letter of the rule and provide an additional level of transparency, I would like to include in the RECORD supplemental information that will serve as further clarification with respect to some of these items. Because of the way the information is presented at the request of the House of Representatives, the full amount of funding specified for a particular project could, to some, be difficult to discern in those instances where the item of congressionally directed spending is in addition to the amount contained in the President's budget request. The list of items that I will place in the RECORD will make it easier for Members to make the distinction between what was in the President's budget and what is subject to disclosure under the rules of the Senate.

Madam President, I ask unanimous consent that the following material be printed in the RECORD.

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

#### CLARIFICATION OF CONGRESSIONALLY DIRECTED SPENDING TABLE

Bureau of Land Management—Land Acquisition: \$1,000,000 over budget, California Desert Wilderness (CA), Senator Feinstein.

Fish and Wildlife Service—Land Acquisition: \$6,900,000 over budget, James Campbell National Wildlife Refuge (HI), Senators Akaka and Inouye; \$500,000 over budget, Red River National Wildlife Refuge (LA), Senator Landrieu; \$250,000 over budget, Silvio O. Conte National Wildlife Refuge (CT, MA, NH, VT), Senators Dodd, Gregg, Kennedy, Kerry, Leahy, and Lieberman; \$250,000 over budget, Cherry Valley National Wildlife Refuge (PA), Senators Casey and Specter; \$800,000 over budget, Bear River Migratory Bird Refuge (UT), Senators Bennett and Hatch.

Environmental Protection Agency—Environmental Programs and Management: \$1,000,000 over budget, San Francisco Bay competitive grant program (CA), Senator Feinstein; \$1,566,000 over budget, Lake Champlain environmental improvement program (VT), Senator Leahy.



Environmental Protection Agency—State and Tribal Assistance Grants: \$3,000,000 over budget, Alaska Native Villages water infrastructure program (AK), Senator Murkowski.

U.S. Forest Service—Forest and Rangeland Research: \$400,000 over budget, Center for Bottomlands Hardwood Research (MS), Senator Cochran.

U.S. Forest Service—State and Private Forestry: \$1,000,000 over budget, Wood Education and Resource Center, Princeton (WV), Senator Byrd.

U.S. Forest Service—National Forest System: \$1,250,000 over budget, Tongass National Forest timber pipeline program (AK), Senators Begich and Murkowski.

U.S. Forest Service—Capital Improvement and Maintenance: \$800,000 over budget, Pacific Southwest, Hawaii Research Field Stations (HI), Senators Akaka and Inouye.

U.S. Forest Service—Land Acquisition: \$750,000 over budget, Angeles National Forest (CA), Senator Feinstein; \$500,000 over budget, Los Padres National Forest (CA), Senator Feinstein; \$200,000 over budget, Chattahoochee-Oconee National Forest (GA), Senator Chambliss; \$575,000 over budget, Hoosier National Forest (IN), Senator Lugar; \$150,000 over budget, Chippewa and Superior National Forests (MN), Senator Klobuchar; \$1,000,000 over budget, Gallatin and Custer National Forests (MT), Senators Baucus and Tester; \$2,000,000 over budget, Gila National Forest (NM), Senators Bingaman and Udall; \$640,000 over budget, Black Hills National Forest (SD), Senator Johnson; \$3,000,000 over budget, Cherokee National Forest (TN, NC), Senators Alexander, Burr, and Corker; \$2,000,000 over budget, Green Mountain National Forest (VT), Senator Leahy; \$1,125,000 over budget, Chequamegon-Nicolet National Forest (WI), Senator Kohl.

U.S. Forest Service Wildland Fire Management: \$2,000,000 over budget, California Fire Safe Councils (CA), Senator Feinstein; \$4,000,000 over budget, Lake Tahoe Community Fire Protection Project (CA), Senators Boxer and Feinstein.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I see no other Republican Senators who wish to speak, so I yield back our time.

Mrs. FEINSTEIN. Madam President, I think we can wrap this up. I see no other Senators on the Democratic side, so I yield back our time.

Madam President, if I may, I wish to take a moment to thank the staff for their work. On the Democratic side: Peter Kieffhaber, Virginia James, Scott Dalzell, Rachael Taylor, and Chris Watkins. On the minority staff: Leif Fannesbeck, Rebecca Benn, and Rachelle Schroeder. Everybody worked together. It was a very special effort and I thank them very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, could I add my thanks to the staff. They have worked hard. This hasn't been a very easy bill to do. Senator FEINSTEIN mentioned all of their names. I add my thanks to her thanks.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the relevant provisions of rule XXVIII.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays, 40, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kirk	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkey	Wyden

NAYS—40

Alexander	DeMint	McCain
Barraso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, the next vote will be the last vote this week. When we complete the next vote, that will be the last vote for the week. When we come in Monday, we are going to come in half an hour early; that is, we are going to have a vote at 5 o'clock on Monday. We have to do it at 5 o'clock so we can complete work before midnight the next day. So everyone should be here no later than a quarter to 6 because we are going to have to close the vote at a quarter to 6. We hope we can work something out between now and then, that we will not have to go the way we are planning on going.

The way things are now lined up, we are going to have unemployment compensation that will have the amendment of Senator ISAKSON and the amendment of Senator BUNNING in it. We hope we can complete that business and move on to other things next week.

I don't want to sound like the proverbial boy calling wolf, but there is a strong possibility—much more than 50 percent—that we will be in next week-end. Remember, we only work 2 days, the 9th and 10th, and then we are off the 11th, 12th, and 13th. I hope everyone will understand that. There has been full notice given to everyone. I hope we can work something out and that will not be necessary. I will work with the Republican leader to give everyone as much notice as possible.

The PRESIDING OFFICER (Mr. BEGICH). The question is on agreeing to the conference report.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—72

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

NAYS—28

Barraso	Enzi	Lugar
Bayh	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Hatch	Sessions
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Johanns	Wicker
DeMint	Kyl	
Ensign	LeMieux	

The conference report was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

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

Mr. COBURN. Mr. President, I ask unanimous consent to be recognized and that following my remarks Senator CASEY be recognized for 10 minutes, followed by Senator SESSIONS, who would control up to 40 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about the bill we just passed. I decided to save my remarks so my colleagues wouldn't miss their planes and trains and could get out of here and not delay them prior to the vote.

I listened intently to Senator SESSIONS and his discussion prior to the vote, and I wish to raise a word of caution for the American public. What we just did in the Senate was to set the government on a course to double in 5 years. The size of the Federal Government will double in 5 years if we keep doing what we have been doing on appropriations bills. There is a 16.9-percent increase in this bill, with a truly negative inflation rate as far as the

basket for American people and how we look at that.

I had several amendments in the bill. All but one of them became compromised after it came out. That is not necessarily the problem of Senator ALLEXANDER or Senator FEINSTEIN. But what we have done in this bill is prioritize the environment over the violation of our borders. We have hamstrung our Border Patrol, and the consequence of that is we are going to continue to see drugs, we are going to continue to see these "rape trees," through the bringing in illegally of people and then the people being brought in illegally to the country being raped.

This bill had 540 earmarks—71 pages of earmarks. We had an amendment in the bill for competitive bidding. The language came out of the conference report that competitive bids would be applied to everybody except people with earmarks. The American people need to understand what that means. That means the well-heeled in this country who have a connection to a Member of this body get a benefit, and so it doesn't even have to be competitively bid. That doesn't even address the question of whether it is a priority for the country. It addresses the question of whether we may be paying two or three times what we should be paying, even if it is a good project.

So I raise the question, for the people who are listening, and I say that what we are doing is wrapping a cord around ourselves and then tying the knot so we get to a point where we cannot fix what ails us. If you look at the U.S. dollar and the lack of confidence, and you look at the meetings that have been going on by people who purchase our debt, they are trying to create a new reserve currency. That is ongoing. They do not deny it. What will happen to us is, we will be on an unsustainable course, where we can't pay the \$800 billion of interest in 10 years. That interest is based on an interest rate of 4 percent, not at zero percent today.

It could very well be that in 2019, the largest portion of the expenditures of the Federal Government—well over 45 percent—will be interest. What does that mean?

What does that mean to the average family in this country? What does that mean to your children, Mr. President? What does that mean to my grandchildren? What are the consequences?

Let me explain the conservative consequences and then I will finish. If you take everybody alive in this country today who is under 20 and you add everybody who is going to be born over the next 20 years—so we have everybody who is under 40, 20 years from now—here is what they are going to owe. These are not my numbers. These are actuarial numbers that have been certified. Every one of them is going to owe \$1.119 million. They are either going to be responsible for that portion of the real debt or that portion of the unfunded liabilities for which they will never gain any benefit.

So ask yourself: If we keep doing what we just did in this body, what are we doing to our kids and our grandkids?

We are absolutely abandoning the heritage of this country, and we do it cavalierly. I mean, there were 28 votes against this 16-percent increase on one bill. Only 28 votes. Only 28 Senators said a 16.9-percent increase in spending is too much, when most families' income has declined by 3.7 percent this year.

We don't get it. I don't understand why we continue to do it. I am as frustrated as the people outside this body. But I can tell you, there is a day of reckoning coming and not just for our country financially but for the Members of this body. The American people are going to wake up, they are going to see we have mortgaged their future, their children's future, and their grandchildren's future, and they are going to say: Enough. The hope would be it will not be too late.

With that, I yield to the Senator from Pennsylvania.

#### HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise tonight to speak about health care and all the issues we have been debating under the broad umbrella of health care reform. Obviously, I will not get to all of them tonight, but I am going to spend a few minutes talking about two general areas. One is a list of changes that I believe will take place when our work is completed in the Senate and after what I hope will be President Obama signing a bill on health care reform in a matter of weeks. That will change what I believe has been an unfair burden carried by the American people, at the expense of the American people but brought on by the power, sometimes the awesome power, of insurance companies. I will talk about that, but also I want to speak mostly about changes that need to be made in our health care system for children.

There are a couple of points on basic reform measures that I believe will be part of what we complete in the next couple of weeks. First, a basic list of consumer protections that we talked about for many years but we have never made illegal will prevent insurance companies from continuing what is often blatant discrimination. One of the things we have to do this year is end discrimination for preexisting conditions. If what I believe is the prevailing point of view in this body is successful, insurance companies will be prohibited from refusing you coverage because of your medical history. Out-of-pocket costs will be limited, as well as deductibles or copays.

Free preventive care: Why should we say on the one hand we encourage prevention, as we have for years, but now we are going to get serious about prevention in our health care system and make it part of every insurance policy and demand that we all engage in steps

that will be preventive in nature and we also will say, for example, for a woman a mammogram is important but why, in the face of all of that, do we say to women in America, as is the current policy, that women have to pay exorbitant costs for mammograms? Frankly, I believe they should have to pay nothing for something as essential to prevention. So preventive care should be free or at a very low cost.

If you are seriously ill, an insurance company should be prohibited from dropping your coverage. We should make that practice illegal.

We should make gender discrimination illegal as it relates to insurance companies. I find it hard to believe that in 2009 we have to legislate to prevent insurance companies from discriminating against women, but we have to because that in fact happens today. Insurance companies will not be able to charge you more because you happen to be a woman, as happens today.

Eliminating annual lifetime caps on coverage has to be part of the final health care legislation.

Extending coverage for young adults is critically important.

Guaranteed issue renewal: Insurance companies, I believe, should be required to renew any policy as long as the policyholders pay their premium in full and insurance companies will not be allowed to refuse to renew a policy because someone gets sick. If you get sick you should not lose your coverage, and if you get sick you should not have to bankrupt your family to pay for the health care you deserve.

Finally on this list, and it is not an exhaustive list but I think it is an important list to review: protecting small businesses. Small businesses should receive tax credits so they can give their employees comprehensive and affordable health care and include a limit on out-of-pocket costs.

These are some of the basic consumer protections I believe we should enact as part of this health care legislation.

I also believe if you want to focus on a particularly vulnerable group of Americans, a group of Americans we have made some progress with in terms of their coverage, though we have not done nearly enough yet, I speak of children. We have made tremendous progress with the Children's Health Insurance Program, for example, and also the children in America covered by Medicaid, so children have the opportunity to receive very good care in almost every instance.

But there are still some problems. Even in a State such as Pennsylvania, where you have, by last count, in a survey done in Pennsylvania last year for the Insurance Department, it showed that just 5 percent of Pennsylvanians up to the age of 18 were uninsured. That 5 percent is too high. We want to get that to zero, of course, but it is a lot lower than it would have been without the Children's Health Insurance Program or without other strategies.