

decade of the international monitoring system to identify and locate explosive underground nuclear tests in violation of the CTBT; and, second, to assess the technical progress made over the past decade in maintaining high confidence in the reliability, safety and effectiveness of the nation's nuclear arsenal under a test ban. The Comprehensive Test Ban Treaty Organization is putting in place new monitoring stations to detect nuclear tests—an effort the U.S. should urgently support even prior to ratification.

In parallel with these steps by the U.S. and Russia, the dialogue must broaden on an international scale, including non-nuclear as well as nuclear nations.

Key subjects include turning the goal of a world without nuclear weapons into a practical enterprise among nations, by applying the necessary political will to build an international consensus on priorities. The government of Norway will sponsor a conference in February that will contribute to this process.

Another subject: Developing an international system to manage the risks of the nuclear fuel cycle. With the growing global interest in developing nuclear energy and the potential proliferation of nuclear enrichment capabilities, an international program should be created by advanced nuclear countries and a strengthened IAEA. The purpose should be to provide for reliable supplies of nuclear fuel, reserves of enriched uranium, infrastructure assistance, financing, and spent fuel management—to ensure that the means to make nuclear weapons materials isn't spread around the globe.

There should also be an agreement to undertake further substantial reductions in U.S. and Russian nuclear forces beyond those recorded in the U.S.-Russia Strategic Offensive Reductions Treaty. As the reductions proceed, other nuclear nations would become involved.

President Reagan's maxim of "trust but verify" should be reaffirmed. Completing a verifiable treaty to prevent nations from producing nuclear materials for weapons would contribute to a more rigorous system of accounting and security for nuclear materials.

We should also build an international consensus on ways to deter or, when required, to respond to, secret attempts by countries to break out of agreements.

Progress must be facilitated by a clear statement of our ultimate goal. Indeed, this is the only way to build the kind of international trust and broad cooperation that will be required to effectively address today's threats. Without the vision of moving toward zero, we will not find the essential cooperation required to stop our downward spiral.

In some respects, the goal of a world free of nuclear weapons is like the top of a very tall mountain. From the vantage point of our troubled world today, we can't even see the top of the mountain, and it is tempting and easy to say we can't get there from here. But the risks from continuing to go down the mountain or standing pat are too real to ignore. We must chart a course to higher ground where the mountaintop becomes more visible.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. INHOFE. Mr. President, as the ranking member and previously the chairman of the Environment and Public Works Committee, I understand we are actually the committee of jurisdiction over a lot of the energy concerns we have in this country. It is a real crisis. I know there are other things happening now that people are focused on, but this is certainly something the Presiding Officer is aware of, given the committees on which he is serving. When it comes to developing a comprehensive energy policy in the United States, we are faced with a stark contrast. We can develop and produce domestic supplies of reliable and affordable energy that will help jump-start our economy, create high-paying jobs, and bring down energy costs on consumers, all while making our Nation less dependent on foreign energy supplies, or we can implement policies designed to drive up the costs of energy on American families, shift jobs overseas, and deepen this recession.

For the sake of our economy, our energy security, and environmental goals, I choose the "all of the above" approach.

I sit and listen to people who say we want to do something about our dependence on foreign countries for our ability to run this machine called America. At the same time, they are against coal, they are against oil, they are against gas, they are against nuclear. Those are the things that are there, the technology is there and we can use them. But they are looking somehow into the future and saying there has to be some green solution. I am the first one to say, when the technology is there, I am going to be right there with them. It is not there yet.

Over the next several weeks, I am planning to speak on the floor several times about the benefits of nuclear energy and my proposals for reinvigorating that industry. Today, I will discuss how nuclear will help put Americans back to work and move our economy forward as well as focus on the regulatory challenges facing new nuclear construction and what I plan to do to help nuclear energy play an increasing role in meeting our energy needs.

One of the problems we have had is we have had several colleagues coming down, talking about why nuclear is good and why we should do it, but they have not addressed the barriers there and the bureaucratic problems we have right now.

The need to grow our domestic energy supply is clear. The Energy Information Administration projects that our demand for electricity will increase 26 percent by the year 2030, requiring 260 gigawatts of new electricity generation. Every source will need to grow to produce more energy to meet

that demand. Curtis Frasier, the executive vice president of Shell America Gas & Power, was recently quoted in *Greenwire*, warning that the recession could be masking a global energy shortage.

He said:

When the economy returns, we're going to be back to the energy crisis.

He said:

Nothing has been done to solve that crisis. We've got a huge mountain to climb.

This is a very significant chart. It shows electricity growth is linked to the American economy. Mr. Frasier voices real concern. As you can see, this graph shows the total energy and shows the GDP. The GDP is the blue line going up and the electricity use and the total energy are lines that go right along with it. In fact, when it flattens out, such as it did in 1990 for about a 3-year period, all three flattened out at the same time. The same thing is true up here when it flattened out during 2005. So we see there is that linkage there, and it is a very real one.

This is not your father's nuclear industry. Today's nuclear industry has demonstrated marked improvement in safety, reliability, and costs since the late 1980s. The industry also has proved that safety and reliable performance are closely linked.

We have a chart here, "Improved Safety Yields Better Performance." If you look at the two lines, we are talking about the line that would be the capacity factor, and this line, the red line, would be significant events. Significant events are things that are problems. We all remember significant events in nuclear energy. The press always highlights these and tries to make us believe this is a dangerous form when it is, in fact, not dangerous. The significant events have been going down. It is hard to see there. It goes from 1988 all up to the present year and it goes down as the capacity factor is going up. This is an indicator of the results, that the industry has dramatically increased its capacity by 45 percent and has operated roughly 90 percent of the time in the last 5 years. This improved performance is demonstrating that nuclear is both safe and reliable. It has made nuclear energy more affordable.

We have another chart that is the "U.S. Electricity Production Costs." Nuclear energy generates nearly 20 percent of the energy that powers our economy and has the lowest production cost compared to other sources. You can see by the chart, not only has nuclear energy had the lowest production costs for the last 7 years, its production cost is very stable and not vulnerable to the price fluctuations here shown by the other resources.

These lines here represent nuclear and coal. They go along pretty much the same. However, if you look at fluctuations in gas and in petroleum, you can see they are moving. This is something that is very significant.

I might mention, even though we only are using 22 percent of our energy

coming from nuclear, countries such as France and other countries are doing 80 percent. That is what we are going to get to. We are going to try to do something to increase our nuclear capacity. Not only will nuclear energy give a boost to our economy by providing safe, reliable, and affordable electricity, it will also produce new jobs. Mark Ayers, the President of the AFL-CIO Building and Construction Trades Department, has described his union's relationship with the industry. He said—and this is the unions I am quoting now:

We will be there with you to help pursue the adoption of a diverse American energy portfolio that places a high priority on the reemergence of nuclear power.

Why is Mr. Ayers so supportive of nuclear energy? He knows the number of high-quality jobs that just one new nuclear plant would provide. It would be 1,400 to 1,800 jobs during construction for each new plant; 400 to 700 permanent jobs when the plant begins operating, with salaries 36 percent higher than the local average. It would provide 400 to 700 additional jobs providing goods and services.

It is a huge boost for the economy and for the labor unions, so we have their strong support. Clearly, increased development of nuclear energy would strongly benefit our economy by providing energy and putting Americans back to work. However, right now investors in new nuclear plants face political and regulatory risks. The capital investors still remember the cost overruns experienced during the construction of our existing fleet of plants, caused in part by a cumbersome licensing process. The licensing process has been revised but has, as yet, to be fully tested. The risk of licensing delays may be lower, but the potential consequences of regulatory delays remain significant.

This chart shows the locations of the potential new nuclear plants. On September 25 of 2007, the Nuclear Regulatory Commission filed an application to build and operate a plant near Bay City, TX. That was the first application for a new plant that the NRC has received in 34 years. Since then, 16 more applications have been filed for a total of 26 new nuclear reactors.

Let's stop and think about that. We are talking about 2007.

I ask unanimous consent I be given an additional 5 minutes of time.

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

Mr. INHOFE. That is, since 2007, we have been able to do that. We did nothing for 34 years, and now we have 16 more applications on file which would be for 26 nuclear reactors. Some applications cover more than one reactor. These efforts to develop new plants are critical to meeting our energy needs, and I am committed to doing what I can to help build these new plants.

One of the most significant factors contributing to this revitalization is the NRC's transformation over the last

12 years. In 1997, Republicans were the majority. I was the chairman of the Clean Air Subcommittee of the Environment and Public Works Committee, which had jurisdiction over nuclear energy. At that time, we had not had an oversight hearing in some 12 years, and I tell you, you cannot let a bureaucracy continue to operate without any oversight, so we started having oversight hearings. We gave targets that they had to do certain things by certain dates. As a result of that, they are now coming along and doing a good job.

This chart shows where the 16 applications are, so people can find their own State and see what it would do to the economy of their own State. Unfortunately, we don't have any in my State of Oklahoma. I wish we did and perhaps we will be able to in the future.

The next chart is the "Applications Under Review By NRC." It is a little bit complicated, so I am not going to be using this chart. If anyone wants to know where the status is and what the companies are that have made the applications, certainly we have that information for them.

Despite significant efforts on the part of the NRC staff, this process has not unfolded as smoothly as it should. Schedules are not as detailed or transparent as they should be, and detailed schedules are a critical tool for managing such a large and complex process and to ensure it is thorough, efficient, and timely. Schedules are publicly available for safety evaluation reports and environmental impact statements but not for hearings or Commission consideration, which will ultimately determine when the license is actually issued.

At this time, there appears to be no information readily available regarding any of the actual dates that any of the new plant licenses will be issued. The absence of any specific schedules for issuing licenses seems to indicate a failure of the agency to properly plan and schedule its work, a failure to share such information, or both. This situation is troubling. How could a utility prepare for construction without a firm date when it can expect—be expected to receive their license?

These are huge investments we are talking about. There has to be predictability. How can an investor judge the risk of a project without being able to evaluate progress in the regulatory process? Both licensees and their potential investors would greatly benefit from the increased certainty.

I commend the Commission and staff for the level of effort that is reflected in existing schedules. However, I believe the Commission should pursue these remaining steps. It should require hearing boards to produce and to follow detailed schedules that reflect lessons learned during the review of the LES National Enrichment Facility in New Mexico. We would consider the recommendations we have there.

I firmly believe proper planning, detailed schedules, and the Commission engagement will foster more thorough, consistent, organized, and efficient efforts to issue new plants licenses.

I take my oversight role as the ranking member of the EPW Committee very seriously and will work to ensure that the NRC continues to build on the improvements made since I initiated oversight back in 1997. I intend to increase my focus on this and other licensing issues, including monthly progress reports on licensing activity and regular meetings with Chairman Jaczko. In our committee, we have Democrats and Republicans very supportive of this effort to expand our capability in nuclear energy.

My hope is to see that the NRC issues the first new license before the end of 2011 and eight more by 2013. Given construction estimates of 4 to 5 years, the first 2 reactors could be operational in 2016, with 14 more potentially in operation by the year 2018. Sixteen new reactors would be a good start to rejuvenating an industry that has been stagnant for 34 years. I believe these reactors can revitalize our economy and meet the growing demand for energy. I also agree with labor unions that are excited about the prospect of new jobs and what it will do for low-cost energy for America.

I look forward to the future. I plan to host a roundtable to highlight progress toward advanced design and to stay on board. Back in 1997, we hadn't had an oversight hearing in 12 years at that time, and we will make sure we don't repeat that mistake.

A lot has been done to prepare for nuclear construction, but a lot remains to be done. Whether the industry will succeed in building new plants will greatly depend upon President Obama's leadership. I am disappointed that the administration seems to send mixed signals regarding its support for nuclear energy. Last month in Prague, the President said:

We must harness the power of nuclear energy on behalf of our efforts to combat climate change and to advance peace and opportunity for all people.

Yet just this month his budget contained language terminating the Yucca Mountain program before the Nuclear Regulatory Commission could even do its review—30 years of research and \$7.7 billion down the drain, purely for political reasons. It is unthinkable that could happen, but it has happened.

In addition, President Obama recently appointed, as Chairman of the Federal Energy Regulatory Commission, Joe Wellinoff, who stated his belief that we won't need any more nuclear plants ever. This isn't right, and it is totally inconsistent.

These mixed messages will soon become clear. President Obama has recently designated a new Chairman of the NRC and is expected to propose two additional nominees soon. Time will tell whether the NRC is an effective and efficient regulator.

In his Senate confirmation hearing, DOE Secretary Steven Chu said:

Nuclear power . . . is going to be an important part of the energy mix. It is 20 percent of our electricity generated today, but it is 70 percent of the carbon-free portion of electricity today. And it is baseload. So I think it is very important that we push ahead.

For that reason and every other reason, for the economy and for the environment and for our ability to provide our own energy in this country and lower our reliance upon foreign countries, I believe we need to move forward rapidly. We intend to do so with nuclear energy.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I ask unanimous consent that all time in morning business be yielded back.

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

Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1256, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of the Family Smoking Prevention and Tobacco Control Act, a bill that will finally give the Food and Drug Administration the authority to regulate tobacco products.

This was the first bill for which I had the honor of voting in my new role as a member of the Health, Education, Labor, and Pensions Committee—the newest member—but it is the result of years of tireless effort by members of this committee and by their staffs. I especially commend its primary sponsor, our chairman, TED KENNEDY, who has long been committed to protecting our Nation's children from the dangers of tobacco and nicotine addiction, and Senator DODD, who is so ably leading that fight in his stead today. I thank them and our colleagues in the House for the efforts that have brought us this bill before the Senate today.

This legislation is long overdue and very much needed. Just last month, a three-judge panel of the U.S. Court of Appeals for the DC Circuit unani-

mously upheld the decision of the district court that the tobacco companies had engaged in racketeering. The court found that for at least 50 years, the companies have knowingly kept information from the American public about the health and safety risks of their products and that they continue to do so today. These companies have worked together to deceive the American public and cannot be trusted to regulate themselves.

As generations of customers died from illnesses related to smoking, the tobacco companies have kept their profits up by marketing their products to children through cartoon advertisements, candy flavorings, and sports sponsorships. Public health advocates, lawmakers, prosecutors, and family members who have lost loved ones to the ravages of smoking have attempted to take on the tobacco companies, but they confronted a coordinated effort backed by billions of dollars to protect this deadly business.

In the next year, 400,000 Americans will die from smoking-related illness and more than 450,000 children will become daily smokers. Every day, 3,500 kids pick up a cigarette for the first time.

Even those who do not smoke still pay a price—\$96 billion each year in public and private health expenditures to treat illness caused by smoking. The companies will, of course, point to concessions and payouts over the years, but it is clearly not enough. As we work to reform our broken health care system, we cannot ignore this public health menace.

That is why it is vital that we finally pass this legislation. The FDA is the agency most prepared to take on the regulatory, scientific, and public health challenges created by tobacco products. This carefully crafted compromise bill gives FDA the tools necessary to take on the tobacco companies in three major areas: advertising and sales to young people, the composition of cigarettes, and representations of health effects of tobacco products.

We have wasted too much time fighting the same battles over the same issues for years. This legislation finally enacts tough but constitutionally sound regulations on advertising targeted toward young people. It puts a warning label on every pack of cigarettes that covers 50 percent of each side of the package. The companies will finally have to disclose the content of tobacco products, and FDA will have the authority to regulate hazardous ingredients. Tobacco product manufacturers will no longer be able to make unsubstantiated claims about their products—FDA will have to verify any health claim based on its impact on the population as a whole in order to protect tobacco users and potential tobacco users. This will be paid for by the tobacco product manufacturers and importers themselves, taking no resources away from the FDA's other vital missions.

So many of us have been touched by the ravages of smoking and lost family and friends. Yet we still see too many young people become addicted to cigarettes or pick up the newest smokeless tobacco product without knowing the real risks to their health. We cannot leave this to court settlements or to the industry itself. We have been waiting for 50 years, and the evidence shows we are still being deceived. Regulation is long past due. This bipartisan bill, with the support of over 1,000 public health, faith, education, and children's organizations, is the best opportunity to help protect our children from the menace of tobacco. We have delayed long enough.

I again thank Chairman KENNEDY, Senator DODD, and my colleagues on the HELP Committee for their hard work bringing this bill to the floor and getting us closer than any other point in the long history of this legislation to finally seeing the effective regulation of tobacco products.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CRAIG THOMAS RURAL HOSPITAL AND PROVIDER EQUITY ACT

Mr. ROBERTS. Mr. President, I rise today to again pay tribute to one of the Senate's finest: our colleague, the late Craig Thomas from Wyoming. Two years ago this week, the Senate lost a steady hand and a man who did much for his State of Wyoming. Craig was dependable in the finest sense of the word. He defined the word "dependable." He was the epitome of a workhorse, not a show horse.

On a personal note, for many Senators, why, Craig was not only a colleague but a dear friend. I will cherish that always. Craig was also a fellow marine. In this case, Semper Fidelis—always faithful—is most appropriate. If anyone faced trouble in their life, the one person you would want by your side would be Craig Thomas.

This is why I am proud and honored again to join with my colleagues KENT CONRAD and TOM HARKIN, and with the new Senator from Wyoming, JOHN BARRASSO, and the distinguished Senator from Utah, ORRIN HATCH, to introduce the Senate Rural Health Caucus bill in honor of Senator Thomas. The bill we are introducing is the Craig Thomas Rural Hospital and Provider Equity Act, with emphasis on the "equity."

The people of Wyoming and all of Craig's colleagues knew he fought for rural America and always put the needs of his State above all else. On the health care front, why, Craig was truly