perform certain procedures just to protect themselves from frivolous lawsuits.

The costs associated with ever-increasing malpractice insurance and defensive medicine are indeed substantial, and both are simply, of course, passed along to consumers in the form of higher costs for even basic treatments and procedures. Many Americans pay an even higher price when doctors decide the threat of lawsuits and the cost of insurance just is not worth it and decide to close down their practices altogether. Every State feels the effect of out-of-control malpractice suits. One study suggests that Kentucky alone is 2,300 doctors short of the national average—a shortage that could be reduced, in part, by getting a handle on malpractice suits.

I have spoken before about the effects a culture of jackpot lawsuits has on everyday Americans, on people such as Rashelle Perryman of Crittenden County, KY. According to an article in the Louisville Courier Journal, Rashelle's first two babies were born at Crittenden County Hospital, which is about a 10-minute ride from her home. But her third child had to be delivered about 40 miles away. Why? Well, the rising malpractice rates had forced doctors at Crittenden County Hospital to stop delivering babies altogether. They just could not afford the malpractice insurance.

When the threat of lawsuits drives insurance premiums so high that many doctors are forced to go out of business, that mothers across the country cannot find a local obstetrician, and that health insurance costs for everyone continue to go up, we have a problem that needs to be addressed. Yet every single one of the so-called comprehensive health care reform proposals Democrats are currently putting together in Congress completely and totally ignores this issue.

The only people who benefit from the current system are the personal injury lawyers who can end up taking up to a third of every settlement and, frankly, if it is appealed, an even greater percentage, and protecting them is not what health care reform was supposed to be about. Yet it is hard to escape the conclusion that this is precisely what is going on here. If the administration wants to be comprehensive in its approach, it should ask the personal injury lawyers to make a sacrifice, just as they have asked America's seniors, doctors, Governors, and small business owners to make a sacrifice.

Americans do not want a government takeover of health care. They want reforms that everyone can understand and that all of us can agree on. And nothing could be simpler or more straightforward than putting an end to the junk lawsuits that drive up costs and put doctors out of business. Americans do not want grand schemes, they want commonsense proposals. Medical liability reform would be a very good place to start.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Dorgan amendment No. 1813, in the nature of a substitute.

Reid amendment No. 1846 (to amendment No. 1813), to modify provisions relating to the Department of the Interior.

Alexander amendment No. 1862 (to amendment No. 1813), to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

HEALTH CARE

Mr. DORGAN. Mr. President, we are waiting to proceed on the legislation that has come from the Appropriations Subcommittee on Energy and Water, which I chair. We are on the bill, but we are waiting for amendments and discussion.

But I want to make a point. We have had people coming to the floor of the Senate yesterday, now this morning, incessantly over a long period of time, talking about health care. Health care is, obviously, very important; no question about that. The relentless increase in the cost of health care hurts families. It hurts business. It hurts government programs that provide for health care. So we need to do something about that.

But it is interesting. What I hear on the floor of the Senate from the critics of these issues is: What is wrong? What is wrong? Well, it does not take a lot of energy or a lot of time to determine what is wrong and be a critic. I understand that.

I have often told the story of Mark Twain, who was asked to debate once, and he said: Of course I will be engaged in that debate, as long as I can take the negative side.

They said: Well, we have not even told you the subject of the debate.

He said: Oh, it doesn't matter. The negative side will take no preparation.

So it is with these discussions on the floor that I have just heard a moment ago and heard all day yesterday as I sat here on the floor, talking about what is wrong. Well, do you know what, we know what is wrong. What is wrong is that we have this relentless rise of health care costs. We spend more on health care than anybody else in the world, by far, and we rank somewhere around 41st in life expectancy. We spend twice as much per person than almost everybody else in the world spends on health care.

I notice that all those critics who come out here talking about what is wrong with this plan or that plan never talk about prescription drugs because most of those who have been out here criticizing the various plans are people who vote against legislation to put downward pressure on prescription drugs. Yet one of the fastest rising areas of health care costs is prescription drugs.

Let me, if I might, ask unanimous consent to show on the floor of the Senate two bottles that would contain prescription drugs.

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

Mr. DORGAN. These two bottles I hold in my hand, which I have shown many times, contain Lipitor. It is medicine produced in Ireland and then shipped all around the world. This Lipitor, as you can see, comes from identical bottles. The same tablet, the same medicine, produced in the same plant by the same company, FDA-approved by our Food and Drug administration in our country, is put in two different bottles. One is shipped to the United States, this one, and the other is shipped to Canada. What is the difference? Well, there is no difference in the medicine. It came from the same place, produced by the same company. The difference is price. The Canadians get to pay half the price the Americans pay.

It is not just Lipitor, the most popular cholesterol-lowering drug that exists out there. It is not just Lipitor. It is prescription drug after prescription drug. The American people get to pay the highest prices in the world. You want to talk about how you cut health care costs? How about taking a whack at this and saying it is not fair that the American people should pay the highest prices in the world for prescription drugs. Why are they required to pay the highest price in the world? Because there is kind of a sweetheart deal in law that says the only entity that can reimport prescription drugs is the drug manufacturer itself.

Much of the ingredients in these drugs come from all around the world—China, just as an example. The manufacturers can produce these drugs in Ireland, using ingredients from all around the world, and then bring them in to sell to the American consumer. But the American consumer cannot access the same FDA-approved drug sold in virtually every other industrial country at a fraction of the price the American consumer is charged.

Why, when we hear these critics come to the floor on health care issues, do we not hear them suggest: Here is an area where we could substantially cut costs and give the American consumer the opportunity everybody else has; that is, to shop for these FDA-approved drugs in areas where you see much lower prices?

The pharmaceutical industry will say: Well, if you allow the American people to do that and if we can't charge the highest prices to the American people for prescription drugs, we will not have the money to do our research to find new drugs. Well, that is not true. The fact is, the pharmaceutical industry spends more money on research in Europe than they do in the United States and in virtually every European country, the European consumers get to pay less money for the same drugs that American consumers are now charged.

A bipartisan group of us has offered legislation to give the American consumer the right to access these lower cost prescription drugs from areas where you can pay a fraction of the price for the identical drug the American consumer pays the highest price in the world for. But we have a staunch bunch of folks in this Chamber who support the pharmaceutical industry and who decide that the American people shouldn't have this right. I would say to those who are the critics of virtually anything anybody talks about in health care: Maybe you ought to decide to support those of us who have introduced bipartisan legislation to deal with the issue of the prescription drug prices in which the American people are charged the highest prices in the world. It is not fair; it has gone on too long; and it needs to be changed.

With respect to health care, generally, this issue is one of those issues that is very important. We are in the middle of a very deep recession. I think job one in this country, by far, is to put the country back on track so people can get back on payrolls, get back to work, and have jobs. That makes almost everything else possible. This is the deepest recession since the Great Depression, and we have a lot of work to do. This President inherited a mess, no question about that. He inherited a $1.3 trillion deficit this year. It is now going to be $1.9 trillion because the President advanced and the Congress passed an economic recovery program to try to stimulate the economy. But we need to get this economy back on track and then we need to begin trimming back these budget deficits. We cannot, for any length of time, continue to provide a level of government the American people are either unable or unwilling to pay for. That is not a path that is sustainable. It is not a path that works. But the President, when he took office, said there are a number of other things we need to do—one of which is to try to get some control over these escalating health care costs.

I don't know exactly how this is going to end up. I don't know what plan might or might not exist at the end of the day, but I think Congress is going to find a way through this. I think it is useful and important and productive for us to be working and working hard to see: What are the solutions? How do we put downward pressure on prices? How do we try to provide broader coverage for those who don't now have health care coverage? I think we can do this. It might well be it has to be done in a couple phases, the first of which is to put downward pressure on the pricing and the second of which is to extend coverage. However we do it, we need to decide that health care costs are rising far more rapidly than is sustainable. They blow a hole in the federal budget deficit because the Federal Government, through Medicare and through Medicaid, is the largest consumer of health care, so we don't have much choice but to find a way to do this.

I understand there is a lot in this health care system that wants to protect what is, one of which is prescription drugs. I mentioned this prescription drug called Lipitor. Most people would know the name of this. Why? Because when they leaf through Newsweek or Time magazine, they will see a full-page ad for Lipitor. When they shave in the morning or brush their teeth in the morning, if they have a television near their bathroom, they will understand about Lipitor. They will understand about the purple pill. They will understand about prescription drugs because relentless advertising is driven toward the consumer to say: Go ask your doctor if you shouldn't be taking this drug. Go check with your doctor. Isn't the purple pill right for you? There is relentless consumer advertising for something you can't buy unless a doctor believes you need it and a doctor prescribes it for you. Is that something we ought to take care of maybe? I think so.

There are a whole range of areas that I think are very important in health care that we need to try to do something about. I think we can. It is horribly complicated, very difficult, a very heavy lift, and we need to do it in a way that first and foremost puts downward pressure on health care pricing. The fact is we cannot and should not be spending twice as much as anybody else in the world per capita on health care only to find out that we rank 41st in life expectancy. That means we are spending much more than anybody else and not getting the outcome or the results.

So I would say to the people—including this morning, the first thing out of the box is the critics of health care, once again, relentlessly on the floor telling us what is wrong. As I have said, Mark Twain knew the negative side requires no preparation. So I am not sure these are well-prepared arguments, but they are certainly relentless. It is nice to hear what is wrong. Maybe as 100 Senators who dress up in suits in the morning, we could come and spend the entire day talking about what is right. This is a great country, one of which we have the privilege to live in freedom, we have the privilege to be engaged in public debate. Maybe let's spend a little more time trying to figure out what is right about this country and find out what kinds of solutions can unite us rather than divide us and find out how we get the best of each rather than the worst of both when we talk about the political parties.

If we can do that, maybe we will advance this country's interests.

The fact is we all stand in the same hole. It is a very deep economic hole, the deepest since the Great Depression, and we will all be well advised, it seems to me, to find ways to begin working together to address these issues.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORKER. Mr. President, I ask unanimous consent to set aside the pending amendment, in no way to disrupt the order—to come back to that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I will not object, let me further ask unanimous consent that following the presentation of this amendment, we have a unanimous consent agreement to set aside this amendment for a Democratic amendment that is about to be offered.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 1865 TO AMENDMENT NO. 1813

Mr. CORKER. Mr. President, I thank the Senator from North Dakota for his agreeing to let me do this.

I wish to call up amendment No. 1865.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1865 to Amendment No. 1813.

Mr. CORKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated automobile manufacturers, and for other purposes)

At the appropriate place, insert the following:

SEC.___. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) AUTHORITY TO DESIGNATE MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

(b) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(c) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

Mr. CORKER. Mr. President, this is an amendment to deal with the ownership that I think many Americans have concerns about in private companies. What this amendment would do is for any company that the U.S. Government owns more than 20 percent of, it would place—such as, by the way, General Motors—what it would do is place those companies into a trust and that trust would be managed by three very professional individuals known to be leaders; people such as, I would hope, Jack Welch and others who have shown—Warren Buffett—people who have shown the ability to actually look at assets of this nature and they would manage this particular stock ownership through December 24 of 2011. They would dispense these assets in a way that benefits the U.S. taxpayers. In the event that at that time they were able to come to Congress and let us know it was not in the taxpayers' interests for this to be done, then we could certainly grant an extension.

The point is to make sure the taxpayers benefit from what has happened but at the same time keep all of us—as the Senator from North Carolina alluded to the other day, 100 people in suits—from actually being involved and keeping the administration from being involved, in any way, from managing these companies. I think all of us are very concerned about governmental ownership. This amendment, again, would allow the taxpayers who were sold TARP on the basis that they would get a return on their investment—and, in essence, this company—for instance, General Motors has over $50 billion in taxpayer money in it today. What this amendment would do is it would separate the line between government and these companies but at the same time allow the taxpayers of this country and our U.S. Government to recoup those moneys to pay down this ever-building debt that our country has.

Other companies would come into this category once we got to the 20-percent level: Citigroup, AIG, obviously, would fall into this category. This amendment solves the issue for the long haul because as companies such as General Motors and others come into ownership by U.S. taxpayers—again, we are uncomfortable with that—it separates that ownership and puts it into a trust. It would be something the administration and this Congress can have nothing to do with. Yet the taxpayers' assets, these companies that we put lots of money in, are managed to the best interest of the U.S. taxpayer.

With that, I thank my colleague for letting me call up this amendment. I realize this will be set aside, and we will be moving to other business. I hope, at some point during this debate, we will have a vote on this amendment.

I thank you very much for the time and I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1865, AS MODIFIED

Mr. CORKER. Mr. President, I ask that amendment No. 1865, which I called up earlier, be modified as presented at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1865), as modified, is as follows:

At the appropriate place, insert the following:

SECTION I. SHORT TITLE.

This Act may be cited as the ''TARP Recipient Ownership Trust Act of 2009''.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''designated TARP recipient'' means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

Mr. CORKER. I thank the Chair.

If there is no objection from the managers, I might expand on the amendment one more time, since there is no activity on the floor.

Mr. DORGAN. If the Senator will yield, let me say that I happen to be a cosponsor of the amendment. It is being offered to the Energy and Water appropriations bill. There may well be a rule XVI against it. It appears to be legislating on an appropriations bill.

Before the Senator expands on his remarks, I think he and Senator WARNER have offered a constructive idea, one that I support and have cosponsored prior to it being on the floor. I think it is useful for Senators to hear a complete description of the proposal. If it is not resolved on this bill—and it probably will not be—my hope is it will be resolved on another piece of legislation.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the Senator for his comments. What I have tried to do in this amendment with Senator WARNER—both of us serving on the Banking Committee—is to create a solution that solves the issue of us having U.S. Government ownership in companies, which I think makes most everybody in this body very uncomfortable.

At the same time, we can deal with the issue of this massive Federal deficit. I mentioned earlier that the taxpayers of this country were sold the TARP package, and we voted it into activity last fall on the fact that this $700 billion that was being invested in financial institutions at the time—as we know, it evolved to General Motors and other companies—that money was going to be invested in these companies, and 100 percent of the repayment was going to be used to pay down the Federal deficit. That is what we all thought we were doing at that time. That bill passed out of this body with 74 or 75 votes, with all of us present in the Chamber.

Again, the American people and all of us in this body have become concerned about what types of political activities can take place when the U.S. Government owns a bank or automobile company. I have seen it up close and personal, and I understand that political decisions can be made that are not in the best interests of the company and certainly not in the best interests of the taxpayers.

How do you solve that, create a scenario where these companies are separate from us, where Representatives and Senators are not calling up trying to help the companies decide what transactions they are going to be involved in but at the same time make sure the proceeds of sales from these companies or the securities we own in them actually end up reducing the deficit?

This is a balanced approach. Senator WARNER has joined me in this, a bipartisan effort to, again, move away from this body, move away from the administration and the House of Representatives any ability to affect these companies politically but at the same time to ensure that any proceeds coming from the sale of these securities ends up going to pay down the Federal deficit, which I think all of us are concerned about.

We are all aware that under the 10-year budget that is proposed, our deficit doubles from what it has been the entire history of our country—doubles over 5 years and triples over 10 years. I think people around this country, rightly so, are worried. I got a townhall phone call last night, and people are concerned about the deficit. We are all concerned. This bill will help solve that, not make it worse, and at the same time remove us from any kind of politicization of these companies.

With that, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I wish to spend a few minutes this morning talking about some of the positive developments that are taking place right now on this issue of health care reform. For example, this morning, the President is out talking to workers who already have insurance about how health care reform will work for them. He is spending his political capital. He is using the bully pulpit that is the White House. It is clear that this is a priority for the President of the United States.

A second positive development is in the Senate Finance Committee. We have a bipartisan group of six Senators. They are putting in killer hours at this point. I have been kidding them that I suspect they are being fed intravenously, but they are trying to put together a bipartisan health reform effort, and I appreciate what they are doing.

Third, I note my good friend from Utah on the floor of the Senate this morning. He and I have made it clear that the sponsors of the Healthy Americans Act, a bipartisan group of 15 of senators, are very open to working with Chairman BAUCUS, Chairman DODD, and the President of the United States in a bipartisan fashion to fix health care.

So the question that is front and center in all of these discussions with the President, with the bipartisan group in the Finance Committee, with the bipartisan group of Healthy Americans Act sponsors that Senator BENNETT and I are part of, is how we control costs in health care. What are we going to do to make health care more affordable?

It is our judgment that the key to making health care more affordable is to make sure people have bargaining power and people have choice—the same choice that Members of Congress have. The distinguished Senator from New Mexico, the Senator from Utah, and myself actually belong to something that is pretty much an exchange, which is like a farmers market for health insurance. But essentially what we in the Senate have is the opportunity to choose from a menu of private health policies. We get rewarded for making an economical selection to save on our premiums, and we get rewarded when we choose a program that puts more emphasis on prevention and health. So when Senators shop wisely, they end up being wealthier and healthier as a result of being able to participate in a big exchange.

What Senator BENNETT and I wish to do today is extend that kind of bargaining power to everybody in our country. After a period of time, a phase-in over a few years, everybody in our country ought to have a chance to have the kind of bargaining power and the kind of clout that Members of Congress have. Everybody in our country ought to be in a position to choose a policy that works for them. And when they make a good choice, when they

shop wisely, the extra money should go into their own pockets. That is the kind of approach Senator BENNETT and I have advocated. It is a way to focus on these exchanges, these farmers markets which, in my view, are the key to getting health reform right.

What these exchanges do, if we set it up right, is they give all the middle-class people who are insured today in New Mexico, Utah, and Oregon a chance to come out winners under health reform at the get-go. And if you are already insured, the President has said he is going to let you keep the coverage you have. Now that makes a lot of sense. We senators hear that at every meeting back in our states.

But if, for example, in Utah, Oregon, or New Mexico, you don't like the coverage you have and you can get a better deal at the exchange, something that puts more money in your pocket, something that helps you and your family, let's let people do that under Free Choice.

Under the Free Choice proposal Senator BENNETT and I have advocated, that we have presented to Chairman BAUCUS, Chairman DODD, and the President of the United States, this is something we can do for the insured that helps them save money right at the get-go.

Regrettably, a number of the bills that have been considered in the Congress do not give people those kinds of choices. And when we look at how these bills are set up, there are what are called ''firewalls'' that restrict people from getting these choices. A lot of the people who are advocating for a public option are not even going to get the choice to enroll in one.

The key to helping people who already have insurance, the 160 million who get coverage through their employer today, is to get these exchanges right and to make sure that everybody has bargaining power within these exchanges as part of a big group.

I have a private policy as a Member of Congress. The people in Oregon, in effect, are my employer. They pay a portion of it. We have a million people in our group. That is the way to spread a lot of cost and risk through a group so you can get real value. Let's set these exchanges up at least so they contain big groups through a regional approach. Senator BENNETT and I said we are open to a variety of ways of doing this. But let's make sure that everybody has some clout in the marketplace. If you are a small business in New Mexico today, you get strangled by the administrative costs of health care. You don't have much clout in the marketplace. As a small employer, you may be paying 30 percent of your health care dollar for administration. It should not be that way. We should be giving those small businesses relief.

What Senator BENNETT and I have said with our free choice proposal is if you are an employer in New Mexico or elsewhere in this country, you may want to take your workers to the exchange. This is employer-sponsored insurance. This is an employer taking their workers to the exchange. As an employer, you can go to the exchange in New Mexico and say you want a discount because you are taking your group of workers to the exchange. That is playing hard ball with the private insurance business. That is saying to the insurers in New Mexico you are not doing good enough; you are not giving me a good enough deal, so I am going to have a chance to go to the insurance exchange and get a better one. We call it Free Choice: more options for employers and more options for workers. Options that look like what Members of Congress have.

I fear if we do not set up a system that gets this exchange right so that people have bargaining power—employers and employees—we are not going to be able to get the kind of cost containment the President of the United States has identified correctly as the heart of health care reform. It is about holding down costs. It is about making coverage more affordable.

I urge colleagues to look at the article that was written in this morning's Washington Post by Ezra Klein talking about the importance of the exchange and what it can mean for the bargaining power of middle-class people and businesses if it is set up right.

We know how to set it up right because it resembles the system that all of us enjoy in the Senate. At the beginning of the year, senators have a choice, a menu of options. If you make a good one, the money goes right into your pocket.

One last point with respect to Free Choice. Sometimes the best choices are not the most expensive choices. Senator BENNETT knows a lot about this because in Utah they have a system, intermountain, that has illustrated that the best choices are not always the expensive choices. Let's make it easier for people to choose an Intermountain program or a Mayo program or any of the other integrated systems that are regarded as the gold standard in terms of quality.

One of the concerns I have about all of these firewalls in the legislation that is being considered is that Americans around this country, after a big push in the Congress to choose quality, are not even going to have the opportunity to choose a program like Mayo or Intermountain that gets more value for the health care dollar.

There are some positive developments in the health care debate going on today. To highlight some of these developments, the President is out talking to workers; negotiations are going on in the Senate Finance Committee; and there is the very gracious approach that Senator BENNETT and a number of Republicans are taking in terms of saying: Look, we want this to be bipartisan, we want to meet the President halfway.

Each of those developments, it seems to me, is very positive. Fixing health care is absolutely key to fixing the economy.

As Ezra Klein pointed out this morning in the Washington Post, the reason people's take-home pay isn't going up is because medical costs are gobbling up everything in sight. So the key to fixing health care is promoting free choice; getting these exchanges right so employers and employees have more opportunities to hold costs down.

I think, in view of these positive developments I have highlighted, there is reason for Senators to stay at it and keep working in a bipartisan way, and real progress is going to be made before this body leaves for the August break.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened with interest to my friend from Oregon outline his relentless determination to get a solution to this problem, and I pay tribute to him for his willingness to do that. I am happy to follow his leadership, as we do our best to support what has been known colloquially around the country as the Wyden-Bennett bill, although in Utah we refer to it as the Bennett-Wyden bill.

We have heard a lot of debate during the time when we should have been dealing with energy and water. Senator after Senator comes down and asks for permission to speak as in morning business, and they always speak about health care. Since we haven't anybody else to speak about the bill on the floor, Chairman DORGAN has indulged them in that bit of morning business.

The one thread that has run through much of the statements about health care has been that we must get rid of the present system, as if that were a debatable issue. Everybody recognizes we must get rid of the present system. The proposal Senator WYDEN and I have been behind gets rid of the present system. And coming to the floor and giving example after example of how the present system has failed Americans is not the same as putting forward a legitimate proposal as to how to deal with the present system. We discussed that a little yesterday, so I will not go into it again.

I wish to make one slight addition to the comments Senator WYDEN made with respect to choice. When I first got here, and the First Lady of the United States, Hillary Clinton, was proposing a health care program, one of the mantras we heard on the street from people who would demonstrate was: We want what Members of Congress have. We want the plan you have.

And I said—half facetiously but half seriously—I want the plan I had before I came here. Because the plan I had was better than the one we got as Members of Congress.

I point out the reason I wanted that plan is that I got to pick what that plan would be. How did I get to pick what that plan would be? I got to pick because I was the CEO of the company

that made the choice. I was the only person in that company who got to pick, because once I made the decision that this is what we will have in the company, everybody else in the company was dependent upon my wisdom.

Senator WYDEN has pointed out we do have a wide range of choices in the plan that are available to us as Federal employees. I underscore, when I discuss this with people in Utah, that because I am a Senator, I have the same plan people at Hill Air Force Base have. This is the plan of all Federal employees. Yes, there are a number of choices and, yes, I am satisfied with it and I like it. But it is still true it is my employer—in this case the Federal Government—who designed the plan.

I am glad it is a good plan. I don't think I would want to change it. I think I would take advantage of the promises that have been made in this debate; that if you like what you have, you can keep it. But the point is that someone who is an employer, who has not made that available, is frozen out of the opportunity for choice by virtue of the decision that the CEO of his company made. The one sure-fire question I can ask and know the answer I will get at every town meeting I hold on this is to say: How many of you—in the group gathered—either know somebody or are somebody trapped in a job he or she hates because they are afraid to lose their health care benefits? Every time I ask that question, hands go up all over the room.

That is the kind of thing Senator WYDEN and I are trying to change. These people are locked in a job they hate because they are afraid they will lose their health care. They are not allowed the choice of deciding what their health care dollars will be spent for. It is determined for them by their employer. If we go the direction in which Senator WYDEN and I want to go, employers that continue to offer plans the employees like will find that their employees will exercise their right of choice to stay with that plan. But employers that say: No, we are going to cut corners a little and cut back on things, just because we think it would be better for our bottom line if we do this, will discover that if our legislation passes, their employees will be empowered to say we are taking our health care dollars and going someplace else and making another choice.

That is the fundamental reason why we have been scored as having the bill that will turn the cost curve down rather than up. We change the present system in a way that will allow market forces to get into the mix and allow people to exercise their free choice and start to save money as a consequence; whereas, all the other plans that are being scored as turning the cost curve up do so because they eliminate any power of individuals in the marketplace to exercise their choice.

I wish we were discussing energy and water. We seem to have turned this into a discussion of health care because the other folks will not come down. I won't intrude upon that any further. But having heard my colleague, I felt it appropriate for me to make these additional comments.

With that I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a point because we have heard a lot of discussion about health care. My colleague from Oregon and my colleague from Utah talked about this yesterday and today and I think it is important to point out.

When people talk about the choices Members of Congress have, I think it is giving the impression that somehow Members of Congress have some gold-plated health care system that other Federal employees do not have. In fact, I believe the choices available to Members of Congress are the choices available in the Federal Employees Health Benefit system for millions of other Federal employees.

The reason I make that point is we have had a lot of people talk about the choices Members of Congress have with their health plan. This Federal Employees Health Benefit Plan is available to all Federal employees. All Federal employees have the same choices, by and large, and those are the choices Members of Congress have.

Last weekend, I had several people talk to me about the extraordinary health insurance Members of Congress have, and I think part of that comes from this discussion about Members of Congress have all these choices. It is very important for people to understand that we have the same health care plan other Federal employees have—millions of them—and the same choices they have. I just wanted to make sure the RECORD shows that because I think it is important.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me pick up on the point made by the Senator from North Dakota because he is very accurate in his assessment.

One of the reasons they like so much this idea of trying to set up a model as we have in the Congress, with our exchanges, is because, for example, somebody who is working for the Forest Service in the State of Oregon has essentially the same kinds of choices I have for the Wyden family.

I think Senator DORGAN's point about trying to make clear to the American people that these choices Members of Congress have, somebody, for example, who works for the Forest Service in Oregon, has essentially the same choices, which involve basic health care—what we think of as preventive care, primary care, being able to go see a doctor, being able to get hospital coverage, and a reasonable catastrophic benefit. That is what Members of Congress can essentially choose from, and that is what somebody has an opportunity to get if they work at the Forest Service.

I think Senator DORGAN's point is very valid. The reason I have come back to this is because, under our free choice proposal, people in this country would, in effect, be able to go to one of these exchanges, which is similar to a farmer's market, and choose from a menu of private policies, not unlike what a Member of Congress has and somebody who works for the Forest Service. So I think the Senator from North Dakota has made a good point.

We, of course, have a lot of bargaining power because we go into these big groups, and that bargaining power can hold down administrative costs and get a better deal for somebody who has insurance. I would like to see, as we go forward with this legislation, that these exchanges are set up around a lot of the same principles Members of Congress have. Because if you do that, that is going to hold costs down for people who have insurance, and it is going to make their coverage more affordable. For example, the workers the President is going to see today would have additional choices in the future and save money when they are purchasing quality health care.

With that, I thank the Senator from North Dakota for making an important point.

The PRESIDING OFFICER (Mr. BENNET). The Senator from North Dakota.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1813

Mr. DORGAN. Mr. President, we are ready to clear several cleared amendments, so I ask unanimous consent to immediately consider amendment No. 1846, which is already pending.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DORGAN. My understanding is the amendment is cleared on both sides. I believe there is no further debate, and I ask for its immediate consideration.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1846) was agreed to.

AMENDMENTS NOS. 1844 AND 1845, EN BLOC

Mr. DORGAN. Mr. President, I ask unanimous consent to call up amendments Nos. 1844 and 1845, en bloc; further, I ask unanimous consent to dispense with the reading of the amendments.

I believe there is no further debate. These are technical amendments that have been cleared by both sides, and I ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 1844 and 1845) were agreed to, as follows:

AMENDMENT NO. 1844

(Purpose: Provides a technical correction to a Corps of Engineers project)

Provided further, That the Chief of Engineers is directed to use $1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the

project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008:

AMENDMENT NO. 1845

(Purpose: Provides transfer authority for the Corps of Engineers and the Bureau of Reclamation)

SEC. ____. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the Title, the following new section 411:

'Section 411.— Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.'

Mr. DORGAN. Mr. President, I believe we will have an amendment by the Senator from Nebraska in a few minutes. But let me say, with the Senator from Utah, we need to have Senators come over and offer amendments. If you have amendments you want to add to this bill, offer, and debate, we expect you to be here. Ultimately, those who have amendments and don't come to offer them are probably going to be precluded at some point because we will move to complete this bill.

We have sat here the day before yesterday, yesterday, and now today. This is a very important piece of legislation that deals with the energy and water projects across the country, and we want to complete this bill, preferably this evening, if we can. In order to do that, we need to at least have some semblance of cooperation, which has been little evident, at least in the past couple days.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would ask the chairman, since cloture has been filed, doesn't there arise a time at which there is a cutoff by which amendments can be offered?

Mr. DORGAN. I would say to the Senator from Utah there is a 1 p.m. filing deadline today. But the fact is we already have amendments filed but aren't offered. So I expect we will get additional amendments filed. The key is to get people down here to offer their amendments, but there is a 1 p.m. filing deadline.

The cloture motion was filed last evening, and I understand why the Senator from Nevada, the majority leader, filed it. I don't think he had much choice. We bring an appropriations bill to the floor that has very widespread support and then it largely comes to a standstill. It would not make much sense for us to be here in this position all week.

I think Senator REID had very little choice but to file a cloture motion. My hope is we would not need it. If people will come and offer their amendments, we will work with them. Senator BENNETT and I will work to accept the amendments we can and get the votes and perhaps this evening get this bill completed.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I ask to set aside the pending amendment.

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

AMENDMENT NO. 1874 TO AMENDMENT NO. 1813

Mr. NELSON of Nebraska. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1874 to amendment No. 1813.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the investment by the Federal Government in the automotive industry of the United States is temporary)

In the appropriate place, insert the following:

SEC. ____. (a) The Senate finds that—

(1) the United States is facing a deep economic crisis that has caused millions of workers in the United States to lose their jobs;

(2) the collapse of the automotive industry in the United States would have dealt a devastating blow to an already perilous economy;

(3) on December 19, 2008, President George W. Bush stated: ''The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.'';

(4) on March 30, 2009, President Barack Obama stated: ''We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.'';

(5) the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the United States;

(6) the Federal Government should work to protect the investment of the taxpayers of the United States;

(7) the Federal Government should not intervene in the day-to-day management of General Motors or Chrysler; and

(8) the Federal Government should closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all practicable steps to expeditiously return to viability.

(b) It is the sense of the Senate that—

(1) the Federal government is only a temporary stakeholder in the automotive industry of the United States and should take all practicable steps to protect the taxpayer dollars of the United States and to divest the ownership interests of the Federal Government in automotive companies as expeditiously as practicable; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program should continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

Mr. NELSON of Nebraska. Mr. President, the amendment I propose serves to address the government's significant ownership and puts the Senate on record and makes absolutely clear that the Federal Government is a temporary shareholder in General Motors and Chrysler and should divest its shareholder position as expeditiously as possible.

It is pretty clear no one ever wanted the government to be in the car business, but the alternative was worse and the turmoil in the auto industry extends far beyond Detroit, as most Americans know.

Dealerships across my State of Nebraska, and I am assuming across your State as well, are feeling the impacts of decisions made by automakers following their bankruptcies. Chrysler has terminated franchise agreements with 9 dealerships in Nebraska, and GM is terminating franchise agreements with 21 dealerships in Nebraska. These decisions are affecting dealerships, their employees, and communities across my State.

However, now that investment has been made, we owe it to the American taxpayer to be clear about what will happen with their money. My amendment states that the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible.

The government should not be involved in day-to-day operations, and as soon as the auto companies have regained their financial footing, the government must divest.

Further, this resolution calls on the Government Accountability Office and inspector general for the Troubled Assets Relief Program, or TARP, to continue to provide oversight and report to Congress on the automakers' progress so the Federal Government may complete divestiture without delay.

This is not a partisan issue. We have had Presidents of both political parties recognize the need to address the current downfall of the auto industry and recognize the need to remove government involvement as quickly as possible.

Our sense-of-the-Senate resolution affirms what the President has already made clear. Taxpayers should be protected and the government should get out of the auto business as soon as possible. Through this amendment, the Senate leaves no question about the government's future role in the U.S. auto industry. In the event there has been an uncertainty about that ownership, this resolution will clear that up.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are awaiting some word from Senator ALEXANDER. He was here earlier this morning to offer an amendment. We indicated we would very much like to have a vote at 11:30 this morning. We are trying to contact Senator ALEXANDER and his staff. There will be a budget point of order against the amendment offered by Senator ALEXANDER, so the vote would be on the point of order that will be made with respect to the budget.

Senator BENNETT and I hope we can get this vote so we can get people to the floor and determine which amendments are going to be offered and when. The majority leader has been extraordinarily patient. He is trying to schedule bills to the floor of the Senate. We bring an Energy and Water appropriations bill to the floor of the Senate, people say they have amendments but they do not come to the floor to offer them, so the majority leader filed cloture last evening, a cloture motion that will ripen tomorrow.

He did not have much choice but to do that, and I think what is happening today demonstrates the requirement that the majority leader had to file a cloture motion. It would be far better for everybody if we can dispose of the amendments.

I think we have three amendments dealing with TARP funds. I think we can dispose of the three of them. If we can have Senator ALEXANDER come and reach an agreement on time and have a vote at 11:30, at least we would at that point get Senators to the floor, dispose of that amendment on a budget point of order. There will be points of order against the other two TARP amendments as well—different points of order, I might add.

Mr. BENNETT. Mr. President, I have just spoken with Senator ALEXANDER. He is on his way over and is amenable to having a rapid vote. So he would come over and discuss with us the unanimous consent agreement with respect to time.

Mr. DORGAN. Mr. President, we appreciate the cooperation of Senator ALEXANDER. I know he cares a lot about his amendment. As I indicated, there will be a budget point of order that lies against the amendment. I will make that point of order, but then we will have a recorded vote on that point of order. My hope would be that we can do that at 11:30 this morning, for the information of other Senators and their staffs, and we will determine that when Senator ALEXANDER arrives on the floor momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1862

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Alexander amendment No. 1862 and that Senator DORGAN be recognized to raise a Budget Act 302(f) point of order against the amendment; that once Senator ALEXANDER has moved to waive the relevant point of order, debate on the waiver extend to 11:25 a.m., with the time equally divided and controlled between Senators DORGAN and ALEXANDER or their designees; that at 11:25 a.m., the Senate proceed to vote on the motion to waive, with no amendments in order to the amendment during its pendency.

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

Mr. DORGAN. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. ALEXANDER. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, we have the time equally divided between now and 11:25; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I would like to reserve the last minute of my time, if I may, for use before the vote. But I will go ahead now.

I thank the managers of the bill for creating the opportunity for this vote. The American people want the government, the Federal Government, out of the auto business. I believe Democrats and Republicans in the Senate would like to have the government out of the auto business. President Obama has said he would like to have the government out of the auto business. Yet we are in the auto business in a big way for the foreseeable future unless we take some action.

The taxpayers have paid almost $70 billion for 60 percent of the stock in General Motors and about 8 percent of the stock in Chrysler. My amendment is identical to legislation which is cosponsored by the distinguished Senator from Utah, Mr. BENNETT, and Senator MCCONNELL, Senator KYL, and others. What this amendment would do, most importantly, is have the Treasury, within a year, to declare a stock dividend, which means to give the stock the government owns in General Motors and Chrysler to the 120 million Americans who pay taxes on April 15.

They paid for it. They should own it. Why is that a good idea? Polls show that 95 percent of Americans disagreed ''that the government is a good overseer of corporations such as General Motors and Chrysler.'' We know that. We have seen the incestuous relationship that develops. We own the company, so we call up the managers and say: Change your dealer contracts. Don't close a warehouse in my district. Put your plant in my State. Why are you buying a battery from South Korea when you could be buying one from my congressional district?

We can, and are, summoning the executives of General Motors and Chrysler to the more than 60 committees and subcommittees in Congress that have some say-so over these companies we own, one of which we own a big majority of. So the executives have to drive in their congressionally approved methods of transportation to Washington, DC, and spend time talking to us, who know nothing about building cars, but that doesn't stop us from giving them a lot of advice. Then these executives go back. During that day they have talked to us, they haven't designed or built or sold a car.

We need to get the stock out of the hands of the government and into the hands of the taxpayers. Several Senators have suggested a way to do that. The simplest way is the corporate spinoff or spinout. A spinoff is a new organization or entity formed by a split from a larger one. It typically happens when we have a corporation that has a subsidiary which increasingly doesn't have any relevance to the major corporation's business, so we simply give the ownership to the owners of the major corporation. That is what Procter & Gamble did with Clorox in 1969. Procter & Gamble decided Clorox didn't have anything to do with Procter & Gamble anymore, so they gave all the stock in Clorox to the owners of Procter & Gamble. In March 2009, Time Warner gave all the stock in Time Warner Cable to the people who paid for the stock in Time Warner. In 1997, PepsiCo gave all the stock in KFC and Pizza Hut and Taco Bell to the people who own stock in PepsiCo. Why should we not do that with General Motors and Chrysler? The taxpayers paid for it. They own it. We should give the stock back to all the taxpayers who paid for it on April 15. We should stop this incestuous political meddling with

major American corporations. The only alternative, other than this, is to slowly sell down the stock over a period of years. Over that time, we will meddle so much, General Motors will never survive.

This is the best thing for General Motors. It is the best thing for the country. If we want to reverse this trend of Washington takeovers of banks, insurance companies, and car companies, this is the simplest thing to do.

I urge colleagues to vote yes on the motion to waive the budget point of order.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend my colleague from Tennessee for his ingenuity, creativity, but not necessarily for his wisdom. I don't agree with this amendment, and I am going to oppose it and urge my colleagues to do the same.

The U.S. Government never wanted to get in the automobile business. President Obama has said that. He said he will not run these companies. That is not why he ran for President. What he tried to do is to save some major companies in America and, more importantly, save jobs as well. What he tried to do was create incentives for the companies to make some decisions they needed to make: Chrysler to ally with Fiat for the future; General Motors to basically gear down the number of cars they are going to make and the number of brands, try to be a leaner company that is going to be more responsive to American consumers. That is why we are in the automobile business. The President, nor any member of his Cabinet, is not sitting down on a day-to-day basis making decisions when it comes to the future of the automobile companies.

The Senator from Tennessee wants to take the taxpayers' investment in General Motors and other companies and basically turn it into a couple shares of stock, maybe 10, 20—I am not sure—for every American. That may be an approach, but I don't think it is one that is well thought out. What happens then at the next General Motors shareholders meeting, after Senator ALEXANDER's wish comes true? Who stands up to the management of the company? Does each of us give up a day of work and go to the meeting to sit down and help make these decisions? Not likely. What is more likely to occur is that the ownership of General Motors will feel no obligation. This stock ownership being distributed across America is going to dilute the impact of shareholder rights and the impact of shareholder power. I would rather have at least the prospect and the possibility that if the administration and management of General Motors goes too far in one direction, they know that TARP, the money being spent there, is going to be a factor they have to take into consideration.

What could they possibly do that would enrage the taxpayers of America who have saved their company? They could do what some of the banks did: They could declare multimillion-dollar bonuses for the people who work for them. What is holding them back? Their largest lender, the U.S. Government, which doesn't exactly like that idea, as most Americans do not. This is going to end up liberating General Motors in many respects—maybe some positive but also some negative, terrible decisions which they could make with impunity after the amendment passes.

There is a reason this was defeated in the Appropriations Committee. There is a reason it should be defeated on the floor of the Senate. Before we embark on this idea of providing a couple shares of stock to every citizen, we ought to step back and ask ourselves: Is this the best outcome to make sure this company and its workers' and retirees' rights survive or is this kind of an ingenuous, creative idea that ought to be thought through? This needs to be kept in the pot, boiling on the stove a little bit longer, before we decide we are going to embark on what is a first of its kind in America. Every example Senator ALEXANDER gave involved shareholders receiving shares in companies. They weren't given to the public at large, which is what he is proposing here. That is a dramatic difference. We are diluting the impact on the shareholders with the Alexander amendment. I hope my colleagues will join me in opposing it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. The Senator from Illinois made an eloquent argument about why he believes it is better for the government to run the auto companies. I believe it is better to put it in the hands of the stockholders. Those are the people who pay taxes on April 15.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. A minute and a half remains under the control of the Senator from North Dakota.

Mr. DORGAN. I understand what Senator ALEXANDER wants to do. I have some of the same instincts. The President does as well. I don't want the Federal Government running America's corporations. We want to divest as quickly as we can. We want the companies to recover. But whatever we do here, we need to do it in a way that protects the interests of the taxpayers. Theirs are the interests that are at risk. To set a date within 1 year does not protect the interests of the taxpayers.

I happen to support a Corker amendment. I was a cosponsor of the Corker amendment that talks about the establishment of trustees, three trustees to actually be engaged in running these companies so the government is not running them. It talks about liquidating that trust by December 2011. But they would submit a report to Congress. That liquidation would not happen unless it maximizes the profitability of the company and the return to the shareholder. That is one thing missing in the Alexander amendment, the question of what maximizes the return to the American taxpayer. They are the ones who are at risk. What do we do to maximize the return, or are we going to leave tens of billions of dollars on the table because somebody simply wants to pass a piece of legislation with an artificial end date?

I don't disagree with the intent of wanting to get out from under this issue of the Federal Government being engaged in these corporations. That is why I cosponsored the Corker amendment.

Mr. LEVIN. Mr. President, I strongly oppose Senator ALEXANDER's amendment, No. 1862. This amendment would undermine the hard work and painful sacrifices that have been made over the last several months by GM, Chrysler, hundreds of auto parts suppliers, thousands of dealerships, and millions of families. It would destroy the viability of the domestic automotive manufacturers, and would cost America thousands of jobs at precisely a time when unemployment is sky-high, and likely to go higher.

This amendment would force the government to divest its interests within an arbitrary timeframe, even if doing so would be detrimental to the taxpayers, the automobile companies, and the country as a whole. If the government has not divested its interest within that timeframe, it would be faced with a choice: it could divest the government's ownership quickly—before the reorganization efforts are complete and benefits realized—or be forced to direct the companies to issue millions of fractional ownership interests to taxpayers.

Approximately 138 million Americans file tax returns, and under this amendment, they would all become shareholders. The automakers will be faced with enormous administrative difficulties and unknown tax consequences. For example, how much would it cost to distribute proxy materials to 140 million ''owners''? How about keeping track of ownership interests and tax filings? Berkshire Hathaway famously hosts its annual meetings in a massive sports and entertainment complex. There is not a venue on the planet that could host a shareholder meeting with nearly 140 million owners.

Further, an extremely diffuse ownership base could lead to significant corporate governance concerns, with a management structure that may be less accountable to shareholders, not more. Because there would be so many shareholders, each would have extremely limited ability to affect change. That is exactly the wrong direction. The taxpayers deserve to have a strong voice in return for their significant investments. These penalties would be disastrous for the taxpayers and could be fatal to the companies.

This amendment would impose fiduciary duties onto administration officials, with their goals to be ''maximization of the return.'' The amendment would then also subject these officials to potential civil suits. This obvious attempt to co-opt traditional corporate law fiduciary duties is simply inappropriate here. The Secretary and his designees have duties to uphold the Constitution and the laws of the United States; they are not simply members of boards of directors. They are officials of the government. And they cannot be forced to take actions that may be contrary to their governmental duties.

Of course, imposing this liability would also come with some great costs. The legal costs on the companies would likely be enormous, as would the time demands upon the administration officials, which would keep them from their critical governmental duties.

The amendment would also prohibit the Secretary of the Treasury from spending or obligating any more funds under the Emergency Economic Stabilization Act of 2008 to any automobile manufacturer. Restructuring an entire industry takes patience, sacrifices, and capital. And while we all hope that the capital requirements are behind us, the administration's ability to ensure the success of the restructurings should not be unnecessarily and arbitrarily restricted.

This amendment is a recipe for disaster that could undo the efforts that have gone into preserving the domestic auto industry these past several months, and I urge my colleagues to join me in voting against it.

Mrs. STABENOW. I wonder if I might ask unanimous consent for 1 minute before we go to a vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. If I may have an additional minute?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I know there is a point of order against this amendment, but despite the intent, which I appreciate and agree with, of protecting taxpayer dollars, unfortunately, the way this is designed, it would actually put taxpayer dollars at risk by creating an end deadline so that we would have all of the taxpayers' interests coming up at the same time. It would lower the value. It would put the companies at risk of a takeover, which I don't believe my colleague or anyone in this body would want.

It is incredibly important that we not try to intervene with end dates that are, in a way, going to backfire in terms of putting taxpayer investment in these companies at risk.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. ALEXANDER. Mr. President, I am surprised by this. I thought we all wanted to get the stock out of the government and into the hands of the taxpayers. The argument I am hearing is that the government is wiser than the marketplace, that it is dangerous to give the stock to the 120 million taxpayers who paid for it. It is their taxpayer money. They should own it. General Motors had 610 million shares before it went bankrupt and 51 percent of American families own stock. This is a classic difference of opinion. Do we want the government to run companies? Do we trust the government or do we trust the shareholders? I trust the shareholders.

I urge colleagues to vote aye.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Alexander amendment No. 1862. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 38, nays, 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—38

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

NAYS—59

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

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1344

Mr. VITTER. Mr. President, I rise to talk about something I have brought up several times on the floor of the Senate, which is the fact that the highway trust fund, essential to continuing to build out our highway infrastructure, and particularly essential in the midst of a recession, is about to run out of money. We need to do something about that and we need to act responsibly; not merely increase debt, increase deficits, borrow more money but act responsibly to replenish this trust fund in a way that doesn't drive up yet more the public debt and the Federal Government debt. I have a proposal to do that, but it is essential we consider this issue now, this week, and not wait until next week when the House of Representatives will not even be in session so we can correctly address this issue and act in a responsible way.

Again, it is very clear the highway trust fund is running out of money. I think it is a near universal consensus that we need to act, we need to do something about it so the highway program doesn't end and essential construction in all our States around the country doesn't come to a screeching halt. But how do we do that? That is the issue.

There is absolutely no reason we need to do this by driving up the debt yet more, borrowing yet more money from our lenders, whoever they may be, including the Chinese Government. We can do this with already appropriated dollars. How do we do it? Well, let's move some of the stimulus dollars—a very small percentage of the stimulus bill which is already passed, dollars which have already been appropriated—to the highway trust fund. This solves the problem and does it in a responsible way, without increasing our debt level, without borrowing yet more money from all sorts of sources, including foreign sources.

I summarized this proposal in a letter to Senator REID, cosigned by about 35 of my colleagues, and we sent the distinguished majority leader this letter on July 21. We urged him to get behind in support of this proposal, but we also urged him to take up this matter of the highway trust fund now—sooner, not later—so we can have a full and fair debate on the issue and come to a proper resolution.

Why does it matter when we take this up? Well, for a very simple reason:

This week we could address the issue; we could have a full, fair debate; we could amend House action and send it back to the House and include the proposal that funds be shifted from the stimulus to meet this essential need. Next week, we can do the same thing, but I can tell my colleagues the first thing that will come out of the mouth of the majority leader and others will be: Well, the House is gone. The House has left town. It is take it or leave it. It is accede to everything they want. We can't amend it one comma, one period.

That is bogus. We can amend it. We can, in particular, amend it if we act this week. That is what we should do, as soon as we conclude consideration of the Energy and Water appropriations bill, which is on the floor now.

I urge all my colleagues to come together in a reasonable, responsible debate to consider this commonsense solution of replenishing the highway trust fund but doing it out of stimulus dollars, so we don't increase the debt yet more. After all, highway construction is exactly the sort of stimulus we can all agree on. It is precisely the sort of stimulus spending that has very broad, near universal, bipartisan support. So it is fully consistent with the broad goals of the stimulus.

With all that in mind, I would repeat a unanimous consent request that I proffered several days ago. Several days ago, I asked for unanimous consent that the Senate call up and pass S. 1344, my bill to use stimulus funds to protect the solvency of the highway trust fund. This request was objected to on the Democratic side.

I would now renew that request and specifically ask unanimous consent that the Senate enter a unanimous consent agreement that would provide for a time certain, immediately following the conclusion and consideration of the Energy and Water appropriations bill, to consider this bill and allow for relevant amendments.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, I wish to spend about a minute to explain why I will object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know Senator VITTER serves on the Environment and Public Works Committee with me. We have worked closely on many issues. I know he is aware that our committee has already voted out an 18-month extension of our highway program, our transportation programs, and he also knows other committees have acted on that same extension—the Banking Committee as well as the Finance Committee.

The Finance Committee has already made sure they can find about $27 billion and they have acted on that. So the first thing I wish to say is nobody should worry about this. This Senate is acting and we have acted responsibly to extend the fund for 18 months while we write a transformational bill.

I think the Senator knows there is a lot of what he says that has merit.

I certainly say that at the end of the 18-month period, after which the stimulus program was supposed to act, if there are funds left over, I think it makes eminent sense to put them into the trust fund. But to take them out at this time, while we are in this deep recession—and my friend says what better way than to put it in the highway trust fund. We have billions going to highways that have yet to be spent. There could be money taken out of that.

I am going to object to this. The Senate is doing its work. We voted for the 18-month extension. The Finance Committee has come up with $27 billion of the trust fund assigned. We always have the opportunity to look back when the stimulus program is set to complete and see if there are leftover dollars. Why would we want to take money out of this economy right now, when we still have the job loss rate going up, when we found the money—Senator BAUCUS did—as an intergovernmental transfer of funds.

Therefore, I object to this.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Will the Senator yield before she gets off the floor?

Mrs. BOXER. Sure.

Mr. VITTER. I ask the Senator, through the Chair, to consider the fact that if we don't take up this matter—however you want to fund it or consider it—take it up now, this week, then the argument will be made next week that we have to accede to whatever the House has done, and we cannot do anything differently. That includes a much shorter extension.

I support the idea of an extension for 18 months, as does the distinguished chair of the authorizing committee. But the House is going to pass and is passing now a much shorter extension.

Would the Senator not agree it is a good idea to take up the general matter now, immediately following the Energy and Water bill, and not have the terms of our action dictated to us next week simply because the House has gone out of session?

Mrs. BOXER. Mr. President, I respond to the Senator this way: I agree we should take up the highway bill now with the fix as proposed by Senator BAUCUS. I think it is totally responsible. We have hotlined this reauthorization. If we can get some cooperation on both sides of the aisle not to load that measure with extraneous amendments and we can reach a time agreement, Senator REID has told me to come to him. So we have, in fact, sent out a hotline on both sides.

I would be happy to work with Senator VITTER to see if we can clear the way for a time agreement because, as he knows, these appropriations bills are very important. The first people to object that we are not doing our appropriations bills are some of my friends on the other side. So if we are going to take time out and do the highway bill reauthorization—and I hope it would be 18 months—believe me, I want to do it as much as anybody here, if not more, given that I am chairman of the committee responsible for ensuring that the fund is viable. I hope the Senator can help me.

I ask him, through the Chair, if he would be willing to work with me to get a clean bill forward and a time agreement that we can get moving on this. I agree it is a great idea to do it.

Mr. VITTER. I very much agree with that plan forward. In that cooperative spirit, I would amend my unanimous consent request and ask unanimous consent that immediately following consideration of the Energy and Water appropriations bill, the Democratic proposal the Senator is referring to, which has been hotlined, be made the order on the floor and a time certain to consider that bill and allow relevant amendments, including the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, first, I asked if we could get something done without amendment, and now my friend says we have to have the Vitter amendment. What about the Boxer amendment, the Landrieu amendment, and the rest of the amendments?

Maybe my friend misunderstood me. I said I want to go to a clean 18-month extension, the way it passed out of all the committees, get this done, and have a time agreement on both sides. What my friend is proposing is that we allow amendments, and we don't have the agreement.

I will object to this in the hopes that we can work it out between us and the leaders—a time agreement, hopefully, with no amendments; and that if we have to have one or two, we have agreements on those, with side by sides. Then I think Senator REID would be very open to it.

Obviously, if we are going to bring this up and have 30 Senators filibustering here, that will not help the highway trust fund. I think what we need to do is work together to get a bipartisan agreement, where we can get a time agreement, a couple narrow amendments, if we have to, and then have a vote.

So I will object. I will not object if we can come back with a time agreement, but I object at this time.

Mr. VITTER. Mr. President, I renew the plea that we work on that sort of agreement to consider the matter this week immediately following the Energy and Water appropriations bill.

Yes, I absolutely want a Vitter amendment considered because that is the whole issue I have been pushing—to fund this out of the stimulus, not to run up debt. I believe we can have an agreement for a very limited number of

germane amendments. But it is essential for that discussion to be meaningful and that it happen this week.

I renew my encouragement of the chairman to help put together an agreement for consideration of the bill this week, a limited number of amendments, including the concept of funding it out of the stimulus. I believe that is the way we can act responsibly and not be held hostage and be married to whatever the House says is the right answer, simply because they are leaving town at the end of this week.

I look forward to working with the chair of the authorizing committee toward that end. With that, I yield the floor.

Mrs. BOXER. Mr. President, to tie this up, let me make it clear that I have been working with the majority leader. He is very anxious to get this done. If we can get cooperation on both sides of the aisle on a time agreement, we can move this very quickly.

I think Senator VITTER makes the point that is urgent and important. I agree. That is why we hotlined this, and any Senators listening, please don't object to letting us go to this 18-month extension. We have it figured out and paid for. Let's move forward on it.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1874.

Mr. DORGAN. Mr. President, pursuant to the Lott precedent, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. Pursuant to the precedent of May 17, 2000, the amendment violates rule XVI. The point of order is sustained and the amendment falls.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1865, as modified, offered by Senator CORKER.

Mr. DORGAN. I make a point of order that the amendment is legislation on appropriations.

The PRESIDING OFFICER. The amendment violates rule XVI. The point of order is sustained and the amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, time and time again, we have heard that our health care system is not working. Costs are too high, outcomes are too poor, and access is too limited. I agree with so many of my colleagues who have spoken out over the last several weeks that the status quo is not sustainable. We must take action. We must all work together to ensure that every American has access to quality and affordable health care.

Everyone deserves stable health care coverage that they can count on, regardless of the job they hold or the curveballs that life may throw. All Americans should be able to count on insurance premiums and deductibles that will not continue to rise and eat away more and more of their paychecks. All Americans deserve stable health care that lets them keep their doctor and their health care plan, especially if they trust their doctor and their plan and they have built a relationship with both.

Let me be clear. Health care costs are too high. Every day, in New Hampshire and across our country, families are struggling. The crushing costs of health care threaten their financial stability, threaten leaving them exposed to higher premiums and deductibles, and put them at risk for possible loss of health insurance coverage and, too often, even bankruptcy. Studies have shown that medical problems contribute to over 40 percent of the personal bankruptcies in the United States today.

Unfortunately, too many of us are just one heart attack away from a potential personal financial disaster due to the cost of health care and inadequate coverage.

In 2007, our Nation spent $2.2 trillion, or 16.2 percent of the gross domestic product, on health care. This is twice the average of other developed nations. As a country, the quality of care we receive is no better. We still lag behind other countries when it comes to efficiency, access, patient safety, and adoption of information technology.

I have one proposal that I think will help with our current health care situation and, along with Senator SUSAN COLLINS, we have introduced a bipartisan piece of legislation that we are calling the Medicare Transitional Care Act of 2009. It would help address our health care crisis.

The Medicare Transitional Care Act would improve quality of care while saving money. This bill aims to reduce costly hospital readmission and improves the care patients receive while cutting Medicare costs. The legislation will help keep seniors who are discharged from the hospital from having to go back. Simply put, it provides transition planning for seniors on Medicare who are leaving the hospital and, in doing so, it will improve the health care we offer our seniors, while saving money; savings that experts estimate to be $5,000 per Medicare beneficiary.

According to a report from the New England Journal of Medicine, almost one third of Medicare beneficiaries discharged from the hospital were rehospitalized within 90 days. One-half of the individuals rehospitalized had not visited a physician since their discharge, indicating a real lack of followup care.

The study also estimated that, in 2004, Medicare spent $17.4 billion on these unplanned rehospitalizations. This problem is costly for our government and troublesome for our seniors. The good news is, it is avoidable.

Research shows the transition from the hospital to the patient's next place of care—whether that is home, a nursing facility or a rehabilitation center—can be complicated and risky. This is especially true for older individuals with multiple chronic illnesses. These patients talk about difficulty in remembering instructions for medications, confusion over the correct use of medications, and general uncertainty about their own condition. Seniors need support and assistance to manage their health during the vulnerable time after discharge from a hospital to ensure they are not rehospitalized. This legislation provides that support. This is the type of commonsense legislation that needs to be included in our health reform. It saves money and it improves quality.

I am proud that in New Hampshire we have two exciting health reform initiatives underway to address health care costs and improve quality. We have a medical home pilot project with close to 40,000 patients across the State. The medical home pilot is changing the way health care is delivered and the way we think about health care, making it much more patient centered. It is encouraging doctors to collaborate with other providers to create health care plans for each patient. They also utilize electronic medical records to reduce errors, improve quality, and contain costs. It is a new way of practicing medicine, and it is one that will deliver better care for less money.

New Hampshire is also the home for the Dartmouth Institute for Health Policy, which is the leader in comparative effectiveness research. It helps empower patients to make vital health care decisions.

The research provided by the Dartmouth Atlas Project has provided critical analysis about the difference in the amounts of money we spend on health care in different regions of the country. The research also shows that these differences in spending have no impact on health outcomes. I want to repeat that because I think this goes to the crux of one of the problems we are having with our health care system. What the research at the Dartmouth Atlas Project and other places around the country has shown is that differences in spending have no impact on health outcomes.

It is amazing to me that regions that spend more money on health care do not necessarily produce better health

care results. We must address this inadequacy as we turn to health care reform, and we must empower patients to make them equal partners in their health care decisions. Research supports this point. In fact, it shows that up to 40 percent of the time, patients who participate in decisions related to their care will choose procedures that are less invasive and less costly. These choices produce better outcomes with higher rates of satisfaction. We must remember to keep patients at the center of this debate on health care reform.

Finally, people are struggling because of the high cost of health insurance. It is a burden to families in New Hampshire and across the country. In my State, there are nearly 150,000 people who have no health insurance, even more who are underinsured with policies that do not provide the coverage they need. For those who do have insurance, the costs are very high.

Over the past 9 years, premiums for employer-sponsored health insurance have more than doubled—a growth rate that is four times faster than cumulative wage increases. This has created a huge burden on middle-class families.

In my State of New Hampshire, from 2002 to 2006, there was a 41.6-percent increase in the premiums businesses paid for an individual plan for their workers. For our smallest businesses, those with fewer than 10 employees, the increase was almost double that, a 70.6-percent increase. That is staggering, and that disturbing increase in premiums caused what one would expect: Many small businesses dropped their coverages. That is unacceptable. Health care costs and insurance costs must be contained.

Chuck Engborg from Ashland, NH, talked about the high cost of insurance and the instability of the insurance market at a recent health care roundtable I attended in New Hampshire.

Almost 30 years ago, Chuck was diagnosed with type 2 diabetes. He suffered a mild stroke, a heart attack, and he has had five bypass surgeries. He also developed a complication from his diabetes that required him to walk on crutches for 3 years. Despite all of that, Chuck has lived to tell his tale, but the turning point for him came 2 years ago when his wife Kathy was laid off from her job. They had to purchase COBRA health insurance and found that the cost of COBRA, plus high copays, amounted to 50 percent of their annual income. In the meantime, Kathy also suffered a heart attack that resulted in her own bypass surgery. They are two of the lucky ones because Kathy has found new employment and they have health insurance through her job. But that health insurance comes with a very high annual deductible.

I heard a similar situation from a woman named Laura Mick from Manchester who also struggles with high insurance costs. While she has not had surgery in 16 years, the insurance companies are able to target her and charge her outrageous rates under a preexisting condition loophole.

Laura was born with a cyst on her brain. Fortunately, it was recognized by doctors a few weeks after she was born, and at 1 month old she underwent surgery. A shunt was inserted into her brain to drain fluid and another surgery at 16 years old to relieve the pressure. She is currently an active young woman in her late twenties, and she works hard to maintain a healthy lifestyle. But she is not being rewarded for it. She has been denied from every insurance company in New Hampshire unless she accepts the high-premium, high-deductible plans.

We need to enact health care reform to help people like Chuck and Laura. We need to ensure that every American has access to affordable, quality health care they can count on when they need it. This is a basic principle on which many business groups, labor organizations, and medical professionals now agree. We must take steps as a nation to reduce the costs of health care while improving the quality of care Americans receive.

Health care reform is economic reform, and I believe that for our economy to truly recover and prosper, we must help middle-class families, businesses, and Federal, State, and local governments cope with the skyrocketing health care costs. The status quo is not working, and it is clearly not sustainable.

We need to act, and we need to act soon. I look forward to working with my colleagues on both sides of the aisle to enact health reform that addresses the health care cost crisis and ensures quality, affordable health care for everyone in New Hampshire and across this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to join my colleagues in addressing one of the biggest issues facing our economy and our country; that is, the threat posed by global warming. This challenge presents us with an opportunity as well. It is the opportunity to revitalize our economy while simultaneously changing our national energy policy to reduce our dependence on foreign oil and to increase our energy efficiency and conservation, which will save money for the people of Pennsylvania, as well as people across the United States.

We have a long debate ahead and a lot of issues to discuss, but I believe it is critically important, in these weeks in the summer leading up to the break Congress will take, to begin the debate, which I know will continue into the fall and maybe beyond that.

I do agree with a majority of accredited climatologists and scientists that human-caused global warming is a threat. Specifically, global warming is a threat to our economic and national security. It threatens our economic security because the problems we face become more expensive the longer we do not act.

If the past is any indicator of our future, we should be concerned that over the past 28 years—1980 to 2008—the cost of the 90 largest weather events that happened in that time period was $700 billion—$700 billion attributable to those weather events. If we do nothing and the worst-case scenarios become a reality, mitigating the change in our climate will be expensive and difficult.

Global warming threatens our national security by setting off a chain of events that could lead to decreased food production, relocation of large numbers of people, an increase in extreme weather events, and a rise in sea levels.

Like many Americans, I came to understand this challenge in a way that was very poignant. I remember reading a Time magazine story a few years back, and it talked about the percentage of the Earth that has been the subject of drought. That percentage of the Earth's surface that has been the subject of drought doubled in about 30 years. That is all we need to know. We know what drought means: it means disease and hunger and darkness and death. That is the threat posed by global warming.

The threat is real enough that we are now currently assessing the readiness of our military to protect us and keep the peace should global warming continue unchecked. One area of the world we are examining in that analysis to determine the impacts is the region that encompasses Pakistan, India, Afghanistan, and the Indus River that is fed by the Himalayan glacier which all three countries share. The changing global climate is causing that glacier to retreat; that is, to melt and disappear. Once the glacier is gone, the Indus River is expected to lose 30 to 40 percent of its waterflow. India, Pakistan, and Afghanistan are already water-stressed countries that rely heavily on that river. I don't think I have to explain to this Chamber or anybody else the national security implications of that threat, especially with regard to Afghanistan and Pakistan.

What a permanent drought would mean for countries is those countries not having enough drinking water and not able to grow food in those countries as a result of that threat.

I understand this may seem a long way off to the people in Pennsylvania or in other States around the country who at this time, and at a time of economic stress, are leading lives of struggle and sacrifice and real hardship. They are struggling to keep their jobs,

pay their mortgages, put their kids through college, or pay for this week's groceries. What we do on climate change does affect their lives directly—not indirectly, directly.

I wish to talk this morning about the economy and jobs as it relates to this issue. We all know things are tough for so many people right now in our country. We are suffering through the worst recession since the Great Depression. But I think it is time—instead of talking about how we got here on a day like today—to focus on the future.

One of the solutions is transforming the way we produce and use energy, which saves bill payers money and creates new jobs along the way. The good news is that these jobs are not the same hazy concept as relates to the future. We are creating clean energy jobs right now in Pennsylvania. To give one example among many I could cite, Aztec Solar Power in Philadelphia employs a team of solar experts, certified electricians, installers, and energy consultants to build systems for residential and commercial buildings. Not only is Aztec employing Pennsylvanians in clean energy jobs now, they plan to expand their business. The company is constructing a $10 million manufacturing facility in York, PA, and will create over 100 new jobs.

I believe we in this country on this issue are right at a crossroads. One direction we could take—and some people in Washington want to take this direction—is business as usual, keep losing jobs, keep losing our competitive edge to countries such as China, which is outinvesting us and outinnovating us when it comes to new energy technologies and the jobs that come from that.

I believe we can take a different direction. We should move down a different path, a path where America will reclaim its competitive edge, bring manufacturing jobs back home to Pennsylvania and States across the country, give us the opportunity to manufacture new technologies for exporting those technologies to other countries, and create a new economic engine that will put people back to work.

This is a strategy for economic renewal. Creating a new energy policy with a focus on building clean energy jobs and innovative energy technologies will take time. Indeed, it will take time, but it will also take leadership. It will take the dedication, the know-how, the ingenuity, and the innovative skills of the American worker. A lot of those workers are in Pennsylvania.

So the choice before us is clear: We can stay on the road we have been on, which we know leads to not just more drought and darkness and death but also leads to job loss in the end because our economy won't have the dynamism to compete with places such as China, or we can take a different path—the path of change, the path of reform, the path of not doing business as usual. I think it is time we create policies that will rebuild our economy and create permanent new energy technology jobs in Pennsylvania and in States across the country. We know how to do this. We have done it before, throughout our entire history in our State as well as States across the country. We have to do it again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

IN PRAISE OF DAVE DIBETTA

Mr. KAUFMAN. Madam President, I rise once more to recognize our great Federal employees. Many Americans can recall from memory the acronyms of several Federal law enforcement agencies—FBI, DEA, ATF, and TSA, to name a few. These are more than just acronyms. These agencies are composed of thousands of hard-working men and women who risk their lives to ensure our safety. Today I will share the story of one such law enforcement agent from my home State of Delaware.

When speaking about someone from Delaware who has spent a career risking his life in service to others, I cannot help but think of the generation of Delawareans who fought for independence. They, in particular, are part of the tradition of public service and courageous sacrifice that has always characterized the people of the First State.

I am reminded of Caesar Rodney who, on the 1st of July, 1776, rode his horse 80 miles through a thunderstorm from Dover to Philadelphia to cast a decisive vote in favor of independence. I can only imagine the look on the faces of the other delegates when Rodney burst into Independence Hall, soaking wet in his riding boots, eager to do his part for liberty.

Rodney had already risked his life for the cause of American independence. A month before his famous night ride to Philadelphia, he joined with fellow patriot Thomas McKean at the old courthouse in New Castle. There, before the Delaware Colonial Assembly, the two made the case for separation from Great Britain.

The unanimous resolution by the Delaware Assembly in favor of separation was the first of its kind. By this brave act, its members became traitors to the Crown, punishable by death. This went a long way in encouraging the delegates to the Continental Congress to vote for independence.

Delaware has a long legacy as a pioneer among States. We are recognized as the First State because, as many Americans know, Delaware was the first to ratify the Constitution. Just as we took the first step toward independence, we led the way in accepting the ideas about government that were radical in 1787 but which are recognized today as fundamental to preserving our liberty.

So many Delawareans continue in this tradition of service today. One of them is Dave DiBetta of Wilmington, who has been a special agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives for over 20 years.

Prior to his service with the ATF, Dave served as a military policeman in the U.S. Army, stationed at Fort Miles in Lewes, DE. He also worked as a customs inspector at JFK in New York. In 1988, Dave joined the ATF as a special agent in New York. Two years later, he was transferred to the Houston Division's Special Response Team, which focuses on high-risk missions.

While serving as an agent in New York and Texas, Dave participated in over 350 high-risk operations, and he was decorated with the ATF's Distinguished Service Medal in 1993. In 1996, Dave began work at ATF headquarters, helping to lead large-scale investigations and managing the bureau's photography program with a $57 million budget. He also taught undercover investigation techniques at the Federal Law Enforcement Training Center.

Dave returned to Delaware in 1999, where he continues his work in the Delaware office, overseeing tobacco and firearm investigations. Dave has assisted in providing security for the 1996 Republican Convention, the 2000 Democratic Convention, as well as the 1996 and 2004 Olympic Games. In the days following the September 11 attacks, Dave was assigned to special duty as air marshal for 6 months, helping to restore public confidence in air travel and serving on the front line against terror.

As part of his duties in Wilmington, Dave represents the ATF at the Dover Downs raceway. He has trained staff how to identify and prevent improvised explosive devices, ensuring the safety of spectators.

Over the course of his two-decade career, Dave has been awarded eight special service awards, the ATF Director's Award, and several letters of commendation. He currently represents the ATF in the leadership of the Federal Law Enforcement Officer Association, and he helped restart the association's Delaware chapter.

When asked about why he decided to work in public service, Dave pointed to the value of voluntarism he learned as an Eagle Scout. He also said he wanted a life characterized by a sense of adventure. Dave said:

> I have never had 2 days in my career that were the same. I have traveled to just about every State, been overseas to four countries, I have seen the good and the bad, but one thing I can never say is that it was boring.

Dave and his wife are active in the Wilmington community, volunteering

their time for community service projects with St. Anthony's Church and a number of charitable organizations. I had the privilege of meeting Dave last month at the St. Anthony's Italian Festival in Wilmington, and I am so glad he and his family could be here today at the Capitol.

Dave DiBetta's story is one of so many in Delaware and across the country. His willingness to risk his own safety and serve the common good recalls the heroism of our revolutionary forebears, such as Caesar Rodney, Thomas McKean, and those other Delawareans who were the first to vote for separation and who fought for freedom.

I hope my colleagues will join me in honoring the contribution made by Dave and other Federal law enforcement agents who daily risk their lives to keep our citizens safe. They all deserve our gratitude.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he departs from the floor, I commend our colleague from Delaware, our new colleague from Delaware, Senator KAUFMAN.

Senator KAUFMAN was appointed to fill the seat of my great friend and colleague and seatmate for many years, JOE BIDEN. And while he has only been here about 6 months as a new Member of the Senate, what a wonderful contribution he has made. I have watched him over the last number of weeks, with his focus and attention on people who work for our country every single day but who probably will never get much credit for showing up every day and doing a wonderful job on behalf of the American people. Whether they be civil servants, police officers or others—the military—the fact he has taken as much time—almost on a daily basis, I say to my colleagues and others who may be watching these proceedings—Senator TED KAUFMAN of Delaware has made it his business to express our collective gratitude to these people who serve our country every single day to keep us safe and secure and to keep us functioning as a society.

It may not seem like much to some, but I will guarantee there are thousands of people today who are at work who appreciate it. And there are millions more, I suspect, whose family members, whose neighbors, whose coworkers, and others appreciate the recognition he has given them, as well as some ideas he has brought to the table legislatively to make a difference for people.

So I commend my fellow colleague. For a relative newcomer and a short timer, he has made a substantial contribution to our country, and I thank him for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I wish to say that this has been a labor of love for me, talking about great Federal employees. And I must admit that one of the truly great Federal employees, who embodies everything I talk about when I talk about the other Federal employees—in terms of dedication, in terms of sacrifice, in terms of commitment, in terms of intellect, in terms of participation—is the Senator from Connecticut. I have admired him for many years, and watched how he has done us all proud, and makes every Federal employee proud of the fact that they are a Federal employee, and demonstrates how important our Federal employees are.

I thank the Senator from Connecticut for his kind remarks and for his long and honorable service.

Mr. DODD. I thank the Senator. I did not intend to turn this into a recipient compliment, but I thank him tremendously, and if he wants to talk a little longer, that is fine.

Mr. DODD. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. DODD. Madam President, I have been on the floor every day and speaking about health care, for a few minutes anyway, although I know there are other matters of business before this body.

I am privileged to work with the Presiding Officer on the Health, Education, Labor, and Pensions Committee—a new member who has made a tremendous contribution as well to our efforts—and as she knows, back a few weeks ago, we went through that marathon session to try to at least fulfill our obligation on the health care debate and to deal with the matters over which we have jurisdiction—things such as prevention and the quality of health care, the workforce issues, the fraud and abuse questions, as well as other matters. Obviously, the Finance Committee has to grapple with these as well. So I thought it would be worthwhile, over these last number of days, to talk about things we have done in our bill. It will be a part, I hope, of a combination of efforts when we meet hopefully in the next few weeks, depending upon the outcome of the efforts in the Finance Committee, which we are all waiting for with anticipation, and confidence, I might add, as well.

I have a lot of confidence in KENT CONRAD, and MAX BAUCUS, CHUCK GRASSLEY, and JEFF BINGAMAN, and others involved in these negotiations to try to reach some understanding that will allow us to move forward. But I thought in the meantime it would be helpful to talk about various constituencies in the country and what this means to them. Because I think we all want to know how does this affect me and my family—what we are doing here. People are saying: I know you are talking about access, and you are talking about quality of health care, talking about the cost of health care, but I wish to get some idea of what are you doing and how it affects me and my family, and where is this all heading.

So while we are only in the first stages of developing what we hope will be a comprehensive proposal on health care reform, it is important that we at least communicate with people where we are coming from and how we look at these issues.

We have all heard the numbers, that 47 million Americans have lost or do not have health care today—a statistic I bring up every day, because I think it is important to point out. We completed our work about 2 weeks ago on the Affordable Health Choices Act. Since we completed our work 2 weeks ago, 196,000 fellow citizens have lost their health insurance. About 14,000 a day lose their health care coverage. About 100 people in Connecticut lose their health coverage, for one reason or another—they lose their jobs or their employers decide to drop their coverage; all sorts of reasons that can cause someone to lose their health care. Overall, it is about 14,000 a day.

These are people who have health insurance but are losing it. These are not people who have no insurance. They are just added to the rolls. And some people get health insurance as well and come off the rolls. So it is important to point out that happens as well.

But it is worthwhile to note that every single day we go forward in this process—and it is an important and deliberative process. I am not in favor of rushing something through. We need to get this thing right. It is a terribly complex matter. We have all noted that almost every single Congress over the last 70 years, along with almost every administration over the last 70 years, has tried to solve this issue. Some have succeeded in part. But there is a reason this has not happened up to now. It is because it is not easy. I commend our colleagues for trying as well as commend the Obama administration for insisting this issue be such a high priority.

Why is that the case? It is not just because it would be nice to get it done. It is because if we do not get something done, the status quo is debilitating, to put it mildly—first, in macroeconomic terms of what it does to our country, in terms of consuming such a large part of our gross domestic product, that easily could jump to 35 percent. What does that mean to the average family? That gross domestic product number, which may not mean much to many people—what does that mean? It means the average family could, in 8 to 10 years, if we did nothing and let the status quo continue, that about 50 percent of your gross income would be consumed in paying for health care premiums if you wish to have your family covered. Obviously, that is unacceptable and unsustainable. If we were to end up consuming that much of our gross domestic product and our incomes each year, families could not survive.

Today I would like to speak for a few minutes about a group of Americans who are being cheated by the current system. Those are the very people who are affected by this number, people who have health coverage but lose it every day because of various economic circumstances or other problems they face and for whom I would also say the status quo is unacceptable. These are Americans who have insurance but are underinsured. Their numbers are roughly 25 to 30 million of our fellow citizens. Obviously, it changes every day as many lose their coverage. These are about 25 to 30 million people who cannot get the care they need. These people paid good money for health insurance, and they think in exchange they are going to receive at least some guarantee that if things go wrong—if someone in their family gets a cancer diagnosis or is hit by an automobile or some other injury occurs—at least they will not have to be concerned about whether they can afford to pay for the care they need.

They worry, obviously, about getting better, getting back on their feet. But there is that sense of stability and certainty that I have a health care plan. I am not going to get wiped out. I am not going to get ruined economically. I have insurance. It may not be great, but I am in pretty good shape. I feel pretty confident, if something tragic happens, I will be OK. That is what insurance literally is supposed to mean.

Life is uncertain. Unfortunately, things happen to all of us. People get ill, injured, people get hurt. While you expect to get better, you want to be sure you are not going to get wiped out. But in our Nation, the wealthiest in the world, of course, nobody should lose their home or their economic security because of an illness or injury, in my view. We write checks to insurance companies every month or see premiums deducted from our paycheck and what do we expect in return? We expect that if something happens, we at least will not have to worry about anything but getting better, getting back on our feet again.

Unfortunately, for tens of millions of our fellow citizens, that is not how it works at all. These are people who have insurance, but they cannot be sure about anything. There is the uncertainty of what will happen. Some find out the hard way that their insurance does not cover what they thought it covered. That fine print you kind of glazed over when you signed onto that contract, I know we all wish we had read it better, understood it better, but the reality is, when you finally are in some situation and you go to this company and say I think I am covered, they say: I am sorry, but if you had read this more carefully you would have understood that fact situation is not covered, that your preexisting condition that you didn't properly let us know about excludes you from the kind of coverage in these situations. You may have high deductibles and copays. You may have an injury that can be taken care of for $5,000 or $10,000, but your insurance doesn't kick in until after that.

Five or ten thousand dollars may not seem like much for some, but for a working family, that can also be a major economic crisis.

Some who suffer from serious illnesses, such as cancer, hit an annual or lifetime benefit cap; thus, the sickest Americans find themselves cut off entirely.

Our legislation, by the way, that we adopted, the Presiding Officer, myself, and 21 other Members of the Senate, we eliminate preexisting conditions so you never again have to be excluded from coverage because of that preexisting condition. We will not exclude you because of portability. Today if you moved you could lose your coverage. And we will not allow these caps either. Today you could find out that while you have a serious illness, your coverage will take care of you for a week or two, or three or four or five visits, but that is it. Our legislation eliminates those kinds of concerns that people have worried about for a long time.

Many of our fellow citizens, of course, have children. Children have different health care needs than adults. For millions of children who fall under insurance provided by their parents' employer, those needs are not covered. Some have that coverage taken way by a profit-hungry bureaucrat at the moment when they need it the most, and many of our fellow citizens watch as skyrocketing premiums slowly consume more and more of their family budget until they have to choose between having their kids uninsured or having them receive the kind of benefits they ought to be receiving as children.

When we talk about health care reform, we are not talking about a free gift for the American people. We are talking about keeping a promise to our fellow citizens. We are talking about guaranteeing that insurance actually insures against economic ruin for working families. As it stands today, millions of our fellow citizens with health insurance are spending their life savings on care; 50.7 million insured Americans spent more than a dime out of every $1 they earned on health care last year. That is, more than 10 percent of their income today is spent on health care; last year, more than 50 million of our fellow citizens. For almost 14 million of our fellow insured Americans it was more than 25 cents out of every $1 of their income that was spent on health care. As it stands, millions of our fellow citizens, not just the uninsured, are unable to get the care they need when they need it.

Let me share some numbers, if I can. I am always reluctant to do this because numbers can glaze over the eyes of people, but people can find themselves in these situations. These numbers affect people with insurance primarily. Some here are without insurance but primarily with insurance. Today I wish to focus on the underinsured—not the people, the 47 million without insurance, I am talking about the 30 million now underinsured or those who have insurance but have high deductibles and expect out-of-pocket expenses.

Thirty-seven percent of people insured in our country took home remedies or over-the-counter drugs instead of seeing a doctor. They decide to go that route rather than getting the kind of care that would reduce their health care problems; or 31 percent postponed getting health care they need because of cost; or they skipped a recommended test or treatment, 27 percent; or they did not get a prescription filled, around 25 percent; and close to 20 percent cut pills in half or skipped doses altogether in order to try to meet their health care obligations. Obviously, in doing so they put themselves at greater risk for even more problems medically, thus raising the cost for care when they end up going back in to treat a problem that could have been contained if, in fact, they were taking the medication as prescribed.

This gives you some idea of the kind of choices people make who are insured. These are not the uninsured now, these are insured. This is in terms of what they need in order to provide for themselves.

When we talk about health care reform, I think it is very important we talk about the many people in this country who believe they are in good shape and are not worried they are going to lack coverage if, in fact, a health care crisis confronts them. The reality is, this constituency of our fellow citizens with insurance has much to worry about with the status quo; thus, the necessity for reforming a system in areas where it is broken and leaving alone those areas where it works pretty well.

This is not just people, again, who do not have insurance. These numbers include people, obviously, who have insurance. Americans with health insurance are forced into bankruptcy, as we know, as well. The numbers are not ones I make up; 62 percent of the bankruptcies in our country over the last several years occur because of a health care crisis in that family. That statistic is alarming. The next statistic is even more alarming to me—75 percent of that 62 percent are people with insurance. Here are people with insurance who ended up in bankruptcy because of a health care crisis. That is the last thing you would assume to have happen to you. If you have health insurance and you run into a major health care problem, you are assuming because you paid those premiums you are not going to be put into bankruptcy or financial ruin. Three out of four people in that 62-percent number had health insurance and still ended up being bankrupt or put into a bankruptcy situation.

Fifty percent of foreclosures—there are 10,000 foreclosure notices every day in the country, roughly. Those have been rather static for a long time. But 50 percent of those notices went out to families who are losing their homes because of a health care crisis.

I don't know the number of how many of that 50 percent had insurance or not. I don't have the same statistic as I did for the numbers of bankruptcies. We ought to try to get that number if we can, to find out what percentage of the 50 percent actually had insurance at the time they got the foreclosure notice.

Americans with health insurance give up the financial foundation they have worked a lifetime to build because we have not taken the action to fix the system that too often is designed to deprive them of the coverage they thought they bought at the very critical moment they need it. What I discovered over the years is there are sort of two groups of people within the insured category. Everyone in that category has insurance. As long as you have never had to deal with it, then you feel pretty secure about it—and you should—because you think you are covered. If all of a sudden you find yourself dealing with it and you thought you had the coverage, that is when it drives you to frustration, to put it mildly, when you discover that condition was a preexisting condition; there were caps on how much you could get for that; that, in fact, the very illness you have was never covered under the insurance policy.

That is where an awful lot of people discover, despite that sense of security they had, that the present system is more designed to deprive them of the coverage they need rather than to help out during those crises. That is why this issue is so important.

Again, this is a complicated one. There are no simple answers to it. We are not going to resolve all those problems even with one bill. It will be a perpetual struggle for us to get this right in the years ahead, but we need to from an economic standpoint, as well as serving the needs of individual people.

This debate is not just about the uninsured. I think we make a huge mistake if we leave that impression with our fellow citizens. This is not just about the 47 million without insurance. We would all like to do something to see to it that people who are uninsured get coverage, but it is about the millions of people who have insurance, the 30 million underinsured, and the many more who have insurance but could find themselves without the kind of coverage they anticipate having.

Each one of us, of course, insured or not, is hurt by inaction. Premiums are rising faster than wages. One insurance company in my State of Connecticut the other day announced they were raising their rates by 32 percent. Imagine that, a 32-percent increase in premium cost for health insurance coverage.

The average family writes a check for $1,100 in our country, $1,100 to cover the uninsured because we in this country take care of people. If you are uninsured in Connecticut or North Carolina and something terrible happens to you and you show up in a hospital in Charlotte or Hartford, we take care of people. That is because of who we are. If you walk into the emergency room, we do not throw you out, we take care of you. I am proud I live in a country that does that. But Americans need to know it is not free when people show up without insurance, with no ability to pay for the care they get in North Carolina, Connecticut or anywhere else. That bill gets passed on.

To whom does it get passed on? To the insured who get added costs in premiums to get covered. That is a tax you are paying each year, about $1,100 to pay because of uncompensated care. We try to address that because we ought to.

That is one way to bring down the costs for the insured in our country. There are other ideas as well that our committee worked on: prevention; the quality of care; reducing some of the problems with the five chronic illnesses that consume 75 cents of every $1 in our Nation for health care. These are measures we take to try to move that curve, if you will, downward when it comes to affordability and cost, as well as, of course, improving the quality of health for all our fellow citizens.

Of course, in this body, we all have health insurance—I made that point over and over again, every Member of Congress, every Member of this body. I never had to go to bed at night with one eye open, wondering whether, if something happened to my 4-year-old or 7-year-old daughters, I would be able to pay for it in the morning with the policies we have. I am glad we do have good health insurance. I just think it is important, as we are here, to remember a lot of the people we represent are not in that situation, to remember the uncertainty and lack of stability they live with. When a crisis happens—and it happens every single day to people—when that happens, they ought not to have a sense of free-fall: I will get wiped out; I can't possibly take care of this; I can't even provide the care my child needs.

I will never forget Senator KENNEDY—who is the chairman of the committee I have been asked to help, to temporarily step in and write this legislation because of his own illness. Senator KENNEDY has told the story over the years of when his 11- or 12-year-old son, Teddy Kennedy, Jr., developed cancer, and it was a serious form of cancer, one that was very dangerous and could take his life. He had to have his leg amputated. But there were some protocols to determine whether they could treat that cancer. They let Senator KENNEDY's son be part of that protocol because during that kind of test they welcome you into it. It doesn't cost anything.

Halfway through that test, that protocol, it was determined that treatment actually worked. It could save Senator KENNEDY's son's life, as it could the lives of the other children who were utilizing that drug. The difference was, of course, once the protocol was determined to be successful, it no longer was free, and it was very expensive—thousands and thousands of dollars.

Senator KENNEDY, obviously, as he tells the story, comes from a family who had the resources to be able to write that check to continue to make sure his son would get the treatment that allowed Teddy, Jr. to recover, to lead a very healthy life. Today he lives in my State of Connecticut with his wife Kiki and their children, and he got that kind of medicine.

But he tells the story of other families at that time, years ago now, who did not have the money and begged the hospitals and doctors: Could they get a quarter of the treatment, could they get a half of it, to see that their child may have the same chance to succeed and recover as Senator KENNEDY's son did.

It was that moment that Senator KENNEDY, some 40 years ago, 35 years ago, decided this would be the cause of his life, when his child, because they had the resources to get the treatment, could get back on his feet but some other child, through economic circumstances, could not.

In the United States of America, no child ought to be deprived the opportunity—or that family—to get back on his or her feet again. I think that is what joins us here together. I think this is hard. We realize that. It is difficult. But I believe it demands our attention and time.

So for those who are insured today, and while they are feeling pretty secure—and I hope you do—understand that these moments can happen. If you are uninsured, obviously it is a frightening feeling of what can happen in your family. I know these are difficult questions and there are not going to be easy answers. There is going to be some shared responsibility in all of this. But I believe we have an obligation, as U.S. Senators, at this moment in our history, to rise to that challenge and not to fail, as others have in years past because it is too hard.

There was a great line Edward R. Murrow once used when talking about another subject matter. He said: The one excuse history will never forgive you for is that the problem was too difficult.

I do not think history will forgive us if the answer we give is: It was just too hard. We just could not figure out how to come together. I think history will judge us harshly if that is the excuse we use for not rising to the moment and dealing with this issue in a comprehensive and thoughtful manner. It can never be too difficult. It is hard. We ought to have the ability to resolve this issue. That is my plea today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. First, let me compliment my colleague from Connecticut for his great leadership on the issue of health care. As the acting head of the HELP Committee, he has done a great job on a bill that has garnered wide support and praise from the one end of the country to the other. So I salute him for his work and his diligence.

I rise today to speak in support of the critical resources provided in the Energy and Water bill, the bill we are debating, for Federal hydrogen and fuel cell research technology which will give America's automotive industry a much needed shot in the arm that it needs to revitalize and compete in the global market for fuel-efficient vehicles.

In June, I joined a bipartisan coalition of 17 Senators, and we wrote to protect the funding for this critical technology after hearing that the administration had significantly cut the budget for hydrogen research.

I generally agree with the administration on energy policy, but in this area, they are wrong. Hydrogen research is one of our futures. As a result, I thank Chairman DORGAN for helping. The fiscal year 2010 Energy and Water appropriations bill contains $190 million in much needed investment in hydrogen technology and fuel research and development. The $190 million that is included in the bill for hydrogen technology and fuel cell research is $37 million more than the House appropriations bill.

It is my hope that some of this money, particularly given the fact that we have added extra money, will go to the General Motors Honeoye Falls, NY, fuel cell facility. It has the potential to create 400 clean energy jobs. The facility is ideally situated to play a leadership role in transforming this technology into reliable and affordable options for all American drivers.

The bottom line is, the facility at Honeoye Falls is the only GM hydrogen fuel cell research facility in North America. There will not be another facility with its potential or progress. It is one of only four facilities in the world that can go from research to application in fuel cell development, and the only one in America. There is one in Germany and there are two in Japan.

If we are going to abandon this vital area of research, several years from now it will create real problems for our automobile companies which we hope can get back on their feet.

This is the only facility in the United States that can go directly from science to vehicle, as it did for General Motors in Project Driveway, where at Honeoye Falls the researchers there developed, designed, and engineered GM's Equinox fuel cell fleet. As I said, these are good-paying jobs in the Rochester area. Honeoye Falls is a suburb of Rochester where we desperately need jobs and have a great educated workforce. It will keep us globally competitive with Japan and Germany, which are ahead of us in fuel cell development and infrastructure—something we cannot afford. At Honeoye Falls, zero tailpipe emissions and research, development, and engineering are all under one roof and are an American treasure.

Let me now talk a little more generally, not simply about Honeoye Falls but about hydrogen fuel research and the need for us to move forward.

As the United States forges a global relationship role in the development of new energy ideas and initiatives, it is critical that we protect the areas where we are already leading the competition. That includes hydrogen and fuel cell technologies. Any compromise in our Nation's investment in this cutting-edge area of research will diminish our accomplishments to date, hamper our ability to compete with other nations, and hamper the ability of companies such as General Motors and Chrysler to come back and be at the competitive edge. We have come too far to close the door on this important research, only to hand over the gains we have made to other nations such as Japan and Germany. By cutting this kind of research, by not funding Honeoye Falls, we would do just that.

In confronting the daunting challenge of climate change and dependance on foreign oil from dangerous areas of the world, we need to have all of the tools in our arsenal to achieve our long-term goals. No one should question the fact that hydrogen technology has a clear and important role to play.

As we all know, hydrogen is the most plentiful element in the universe. We are never going to run out of it. Fuel cell vehicles are gasoline free, representing a dramatic opportunity to break from our current addiction to foreign oil. And fuel cell vehicles are emission free.

The National Research Council found that fuel cell vehicle technology should be a necessary part of our energy portfolio for achieving the target of 80 percent global greenhouse reduction in 2050. In fact, it is hard to see, if we do not do this, how we will meet that goal. That is an important goal.

In short, cars running on hydrogen have the potential to revolutionize on-road transportation, change our everyday travel experience, and clean up our environment by eliminating tailpipe emissions. Our Nation's automotive companies have made significant strides in meeting or exceeding the administration's interim goals for fuel cell cost, but they still have much work to do.

Meanwhile, while the United States—and I have just seen the chairman of the Energy and Water Subcommittee come on the floor, and I salute him for understanding the need for hydrogen fuel cells. As I said, this is one area where the administration has a hard-to-explain blindspot.

While we are twiddling our thumbs in this area, debating whether we should fund it, other countries understand the importance of this technology and are aggressively moving ahead to develop hydrogen vehicles. By protecting our Nation's investment in this program, we can protect our current leadership position and develop hydrogen and fuel cells on a faster timeline than competing nations. The alternative—to abandon a promising technology and allow our work to be the foundation of our competitors' success—is not acceptable.

In conclusion, I hope this legislation, with its increase in hydrogen fuel cell funding, passes. I hope that in its wisdom the Energy Department will understand the necessity of continuing the research at Honeoye Falls and fund it accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEALTH CARE REFORM

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress in which he declared:

> Millions of our citizens do not have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

Unfortunately, little happened after President Truman's speech. It is my hope that 64 years later, we will finally be able to achieve the health reform President Truman envisioned and our country deserves. We cannot settle for marginal improvements. We must fight for substantial reforms that significantly improve our health insurance system.

Every day, Ohioans are frustrated with health insurance that is nearly impossible to afford. Every day, Ohioans are stuck with health insurance that fails to protect them from catastrophic health costs. Every day, Ohioans deal with health insurance that too often discriminates based on age and gender and location and medical history. Millions of Americans are one illness away from financial ruin. Some 14,000 Americans lose their coverage every day, and 45 million Americans are uninsured and tens of millions more are underinsured.

We can find a way for Americans who have coverage to keep it and for those Americans who lack coverage to buy it. We can find the will to boost our health care system so that it is far less costly, is inclusive, and it is far more patient centered. We can make historic improvements in our health care system which harken back to the day, 44

years ago tomorrow, July 30, 1965, when President Johnson signed Medicare into law.

What lessons can we learn from Medicare and from its passage? The Medicare experience taught us that progress in this country does not come easily, especially in the face of false claims, inflammatory rhetoric, and twisted facts. It also taught us that progress is not always a function of bipartisanship, as much as we would like it to be. Most Republicans today will not support fundamental reform regardless of what form it takes. We learned that lesson from Medicare. If you go back to key congressional votes on Medicare in 1965, an overwhelming number of Republicans voted no and an overwhelming number of the Democratic majority vote yes. Gerald Ford voted no, Strom Thurmond voted no, Donald Rumsfeld voted no, and Bob Dole voted no. In fact, Bob Dole said in the 1965 debate, speaking for the great majority of Republicans in the House and Senate—he bragged:

Fighting . . . voting against Medicare . . . because we knew it wouldn't work.

It is no surprise that the only time Republicans had a chance to make meaningful reform to Medicare, when the stars aligned, when they had a conservative Republican President and large Republican majorities in both Houses for the first time since Medicare was formed—in 2003, they partially privatized Medicare. They did it—I was there in the House of Representatives—literally in the middle of the night, literally by one vote, when most Americans were asleep. I do not blame them in those days for hiding that bill from the American people. It was a Medicare bill written for the insurance companies and by the insurance companies, and it, purely and simply, started Medicare down the road to privatization 6 years ago when it happened.

We are seeing the same tactics today. Many Republicans want to defeat health care reform in order to break President Obama, making it, in the words of one of my conservative colleagues, his Waterloo—a fine example of partisanship trumping the national interest. Special interests groups, the health insurance industry, and the drug industry are spending millions of dollars—millions of dollars—to influence health reform legislation. They are deriding anything that does not inflate their profits. Special interests are pulling out all of the stops to subvert sound public policy.

It is the same page out of a tired playbook that informed then-private citizen Ronald Reagan in the early 1960s when he warned Americans that if Medicare were enacted, ''one of these days, you and I are going to spend our sunset years telling our children and our children's children what it was like to live in America when men were free.'' That is what he thought of Medicare.

The American people didn't share Ronald Reagan's opposition to Medicare but influential special interests did. They played every card in an attempt to derail health care coverage for seniors. Before Medicare was signed into law, 50 percent of senior citizens were uninsured; 44 years ago today, 50 percent of senior citizens were uninsured. Today only 3 percent are.

In 1995, Speaker of the House Newt Gingrich said he wished Medicare would ''wither on the vine.'' That was the beginning of privatization efforts.

Progress has never come easily in our history. Passage of the Civil Rights Act in 1964 was not easy. Passage of the Voting Rights Act in 1965 was not easy. Enactment of Medicare and Medicaid in 1965 was not easy. Every major step forward in our Nation's history, every progressive move forward is never easy.

As Senator HARKIN said, passage of legislation to prohibit discrimination against women, the elderly, and people with disabilities was not easy. That doesn't mean we stand down. It doesn't mean a popular President or Democratic majorities in Congress should give in on every major principle as we enact health care reform. Medicare changed our Nation. It helped pull millions of seniors out of poverty, fostered independence, helped fuel our economy, and helped retirees live long and healthy lives. The United States does not rank particularly high in life expectancy compared to other rich industrial democracies, but if you reach 65 in America, we rank near the top for life expectancy. So if you get to be 65 in the United States, you are likely to live a longer, healthier life than the great majority of people around the world, even in rich industrial countries.

Health care reform will change our Nation. It will end uncertainty about health care coverage because public and private insurance will always be available. That is why we have the public option that is supported by so many of us, including the Presiding Officer. It will confront the needless redtape, medical errors and the fraud and abuse that inflate health care costs and compromise quality. It will harness the power of market competition to drive premiums down and customer satisfaction up. We want competition. We want a public option competing with private plans. Both will get better as a result. It will finally allow our Nation to move on from the human tragedy, from health care-related bankruptcies, from the endless march of double-digit premium increases, from the competitive disadvantages American businesses face as health care expenses explode.

The HELP Committee made the first strong step toward health insurance reform that keeps what works and fixes what is broken. Our work will not be done until crucial national priorities are no longer crowded out by health care spending. Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local and State coffers and from the Federal budget. We must keep working and keep fighting for the change people demand.

We will keep fighting for the Ohioans I met in Cleveland last week at MedWorks, where hundreds of people were provided free medical care from volunteer doctors, nurses, and hospitals, when Zac Ponsky, a young banker in Cleveland, decided to put this MedWorks program together.

None of this will be easy. When President Johnson signed Medicare 44 years ago tomorrow in Independence, with Harry Truman alongside him, he demonstrated that the hardest fought battles yield the greatest victories. When our 44th President signs health care reform into law later this year, we will finally realize Harry Truman's vision six decades and 10 Presidents later.

I yield the floor.

AMENDMENT NO. 1855 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to set aside the pending business and call up amendment No. 1855.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1855 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require all agencies to include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. AGENCY ADMINISTRATIVE EXPENSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term ''agency''—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

Mr. DORGAN. Madam President, this amendment has been cleared on both sides. I believe there is no further debate. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1855.

The amendment (No. 1855) was agreed to.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. While Senator BENNETT and I await our colleagues to offer amendments on the underlying appropriations bill, I ask unanimous consent to speak in morning business for 10 minutes.

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

THE ECONOMY

Mr. DORGAN. Madam President, our country is in a very deep economic hole, the most significant economic decline since the Great Depression. Much of it is attributable to the fact that we have created an economy in recent years, especially the last two decades, in which we have responsible business men and women engaged in casino-like gambling. They do it under the rubric of business.

In 1994, I wrote a cover story for the Washington Monthly magazine titled ''Very Risky Business.'' The subtitle of that article was about the banks trading very risky derivatives, which I said I believed could lead to taxpayers being on the hook for a bailout. That was 15 years ago. At that point, there was $16 trillion of notional value in derivatives. And banks, even then, which prompted me to write the article, were trading very risky derivatives on their own proprietary accounts, which I believed was unbelievably ignorant of the risk involved.

The $16 trillion in notional value of derivatives exploded way beyond anyone's expectation. Then at the same time that the trading of derivatives was exploding, new instruments were being developed, credit default swaps and CDOs and all kinds of exotic instruments to be traded back and forth, creating a dramatic amount of additional risk.

Even as that was occurring, we saw the development of a subprime loan scandal in which we were watching brokers and mortgage banks provide entreaties to those who had homes or those who wished to buy homes: Come and get a mortgage from us. You have bad credit, slow pay, no pay, you have been bankrupt, come to us. We would like to give you a loan. Subprime home loans—some called liars loans—you don't even have to tell the person giving you the loan what your income is. By the way, you don't have to pay any principle. We will wrap that around the backside, just pay interest. Can't pay interest, then name your own payment. Don't want to do that, then don't pay any principle and don't pay all your interest. We will wrap it around the backside, and you don't even have to describe what your income is. By the way, when you get a mortgage from us, we will not tell you it is going to reset in 2–3 years because we are giving you a 2-percent teaser rate right now, which means your home loan payment will be way down here, and it is going to look good. But the reset that will happen in 24 or 36 months, you will never be able to make the payments.

Everybody was fat and happy, making a lot of money putting out bad loans and then slicing them up into mortgage-backed securities and then trading them up to the hedge funds and investment banks, and everybody was making a lot of money, not asking any questions. Then the whole thing collapsed. And it is derivatives, it is swaps, it is mortgage-backed securities. It all collapsed in a sea of greed with unbelievable risk, and it brought down with it some of America's largest financial institutions.

I describe all of that gambling and all of that risk because something else happened last year that has the American people concerned and worried—and they should be wondering: What was the cause of it?

Here is what happened last year. I have this chart in the Chamber that shows the price of crude oil. It actually went from $60 a barrel, in October of 2006, up to $147 a barrel in July of 2008. It went up like a Roman candle, and then came right back down. By the way, the same folks who made the money on the upside made the money going back the other way, starting last July. It was unbelievable speculation in a market called the oil futures market.

This is not an abstract graph. This means right up here someplace, as shown on the chart, every American who went to the gas pump to fill up their vehicle with gasoline was paying through the nose—$4, $4.50 a gallon.

So the question for them, and the question for other users—airlines, for example, were hemorrhaging in red ink, unable to pay the cost of this kind of oil price—the question was: What has caused all of this? What has resulted in this unbelievable spike in oil prices?

The answer? An orgy of speculation in the oil futures market by interests that were never before—at that point—manipulating that marketplace. Investment banks, for the first time, were actually buying oil storage and holding it off the marketplace until the price rose, as an example.

The oil futures market, it is estimated, was populated in terms of the trades by somewhere between two-thirds to three-fourths of the trades coming from speculators—not people who were moving the physical commodity back and forth, at least people who would want to sell the physical commodity to somebody who wanted to buy the physical commodity because they want oil. Instead, it was speculators who were simply betting on this. They could have gone to Las Vegas. They did not need to. They were able to go to the oil futures market and make a lot of money going up and a lot of money going down; and, meanwhile, the victims were the American drivers who had to fill their gas tanks with gasoline.

I am describing this because yesterday there was a hearing in this town by the Commodity Futures Trading Commission, a commission that has largely been dead from the neck up for some while, uninterested in regulating—despite the fact that is their charge—sitting on their hands, doing nothing. And all of last year while this was going on, while the price of oil was going up, up, up, the CFTC largely explained it away as saying: Well, this is supply and demand. That is what is going on.

There is another agency other than the Commodity Futures Trading Commission that did not do its job. This is an agency we are actually funding. Senator BENNETT and I are actually funding it in this bill. It is called EIA, the Energy Information Administration. It has several hundred people working there. It is a very important agency. It provides substantial amounts of information to our country, to policymakers, about what is happening with energy.

I want to show you what has happened with the EIA. We spend about $110 million a year on this agency with several hundred people. They are good people, smart people, the best in the business, we assume. Here is what happened. In May of 2007, they had to make an estimate. That is what they do. They make an estimate: What is the price of oil going to be? Well, they started here, as shown on the graph, and they said: Here is where we think the price of oil is going, right that way. So in May of 2007—I do not know what they had to eat back then, but something was affecting the brain. Here is what happened to the price of oil. Here is where they estimated the price of oil would be.

These are smart people. These are the best. We are spending a lot of money getting their advice. So let's pick January of 2008. They made a new estimate: Here is where we think the price of oil is going to go. Well, the price of oil did not do this. The price of oil went like this—almost straight up. So what did they get wrong? In April of 2008: Here is what we think the price of oil will be. Here is what it was.

My point is, this agency, along with the Commodity Futures Trading Commission, would come to our committee at a hearing, and I would say: What is it that you get it so unbelievably wrong? They said: Well, it is supply and demand.

That is total rubbish. The fact is, even while this was happening, the supply was going up and demand was going down, which meant that the price of oil would not be going up like a Roman candle. In fact, the price would be moderating. Instead, speculators captured that market. That is why EIA got it so wrong. They did not have the foggiest idea what they were doing. Supply and demand—total nonsense. But we know what happened to these prices.

The reason I want to discuss this for a moment is because yesterday the Wall Street Journal had a story. The Commodity Futures Trading Commission—this is the commission that last year spent all of their time telling us this was just supply and demand. We knew better. But either they knew better as well and would not admit it or they did not know better. That agency was insisting it was supply and demand. Well, the very same agency now, with a new head, is going to issue a report next month, according to the Wall Street Journal, ''suggesting speculators played a significant role in driving wild swings in oil prices.''

Three people in my hometown café—I come from a small town of 300 people—3 people, over a strong cup of coffee, knew that last year. Wild swings in oil prices as a result of speculators.

Last year, the same U.S. futures market agency pinned oil price swings primarily on supply and demand. But the new report will say that analysis was based on ''deeply flawed data.''

So the question is, What does all this mean? It means if we are going to have some impact on an economy where we put it back on some solid foundation, we have to have markets that work, and we have to have regulators who are not blind.

I happen to think the free market system is the best system of allocating goods and services that I know of. I taught economics ever so briefly in college, and I always say I was able to overcome that, nonetheless, and lead a productive life. But the field of economics is something that is so important in terms of understanding how markets work. I believe the free market system is an incredibly good system—not perfect. The free market system needs effective oversight and regulation from time to time. That means we have regulators who are supposed to be wearing the striped shirts, blowing the whistle, and calling the fouls because, yes, there are fouls in the free market system.

Go back and ask Teddy Roosevelt, when he was a big trust buster. What was he doing? He was busting those interests that were trying to subvert the free market system. The same thing happens today. We have interests—and I described it earlier—that want to subvert the system by getting engaged in substantial risk and establishing mechanisms by which they can control a market at the expense of the rest of the American people.

That is what I believe has happened in the oil futures market. The oil futures market is very important, and we need to make it work the right way. It ought to work responding to the urges of supply and demand. But, regrettably, that has not been the case. My hope is now the Commodity Futures Trading Commission will be able to take the kind of action necessary to straighten this market out.

Every market needs liquidity. That means some speculators will play a role in the market. But when speculators capture the market, and begin to play the kind of games that were played last year, that has a profound impact on this country's economy. We should expect the agencies that are hired to do the regulatory oversight do their jobs, and do it properly. That has not been the case for some while.

So my hope will be—with the new report coming out that will finally assign the responsibility of excess speculation in this perversion of the marketplace—my hope will be we will have effective regulators who will take action. What should that action be? My own view is the Commodity Futures Trading Commission should designate a distinction between the traders in this marketplace: those who are truly trading a physical commodity because they are engaged in the marketplace because that is the business they are in and those who are just speculators. The Commodity Futures Trading Commission could at that point determine what kind of margin requirements, what kind of speculative limits should exist so that activity does not subvert the marketplace.

Let me be quick to say there are people who will listen to me, and who hear what I say, and they will say: Do you know what. You don't have the foggiest idea what you are talking about. All of this system works. None of that which you describe existed. All of that risk by the smartest people in the room, the top investment banks that took on this massive amount of risk, the investment banks that were buying oil storage, to buy oil and take it off the market until it goes up in price—all of that is just business.

It is not just business. Just business is running a business the right way. Does anybody believe it was just business to have the biggest financial enterprises in the country run into the ditch because of bad behavior by those who were running the companies—by the way, some of whom are still running the same companies?

By the way, with respect to solutions, does anybody think it is just business to decide we had institutions in this country that were too big to fail—that loaded up with risk and then failed—and the taxpayer is told they cannot be allowed to fail, they are too big, and you have to bail them out? And now we say to those same businesses: We are not going to get rid of ''too big to fail.'' In fact, we are going to allow you to merge with other firms, which makes you much too big to fail—too much bigger to fail.

We have a lot of work to do this year to address these issues and address some of the causes that caused the economic collapse last year. I want us to put this economy back on track. First and foremost, it starts with jobs and restoring confidence. Confidence is everything about this economy. When people have confidence, they will do the things that are expansive to this economy: buy clothes, buy a car, take a trip, buy a house. That expands the economy. When they are not confident, they do exactly the opposite.

I want the American people to have confidence. I want them to have confidence in believing that Federal agencies that hire regulators are going to look over the shoulder and provide the oversight to make sure this is not going to happen again, to make sure someone is not going tp subvert a marketplace that makes the rest of the American people victims.

All of this, in my judgment, with good government, can be done. But it will not be done if we have regulators who boast about being willfully blind. It will be done if we understand our responsibility to make sure the free market system is indeed free.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, it is nearly 2 o'clock on Wednesday. We have been on this bill since Monday. Senator BENNETT and I have spent a lot of time on the floor waiting for amendments to be offered. We have had several and we appreciate that, but we have many filed but not offered.

I know the majority leader has filed a cloture motion which would ripen tomorrow, so we would have a cloture vote tomorrow. Our hope has been we would not get to that point.

Inasmuch as we have waited and waited very patiently for Senators who do have amendments that they wish to offer but have not come to offer them, Senator BENNETT and I have talked about perhaps going to third reading this afternoon at 5 o'clock. So I ask, if there are those Senators and/or staff who have amendments they wish to have considered on this legislation they would keep that in mind.

We have a couple of hours here. Senator BENNETT and I have talked about going to third reading by 5 o'clock. I would ask people to come and offer

amendments, let's have debates on the amendments and have votes and see if we can resolve this legislation this afternoon.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, I have taken the floor before to talk about the need for health insurance reform, health care reform. I talked about the high cost of health care and how we need to get a handle on the amount of resources we spend as a nation on health care. I have talked about the need to improve prevention and wellness programs. I have talked about the public insurance option and why I think it is so important to have a public insurance option.

But today I want to talk about a different issue. I want to talk about what happens if we do nothing because I think the people of this Nation need to understand that our current health care system is causing huge challenges for the people of our Nation. Whether you have health insurance or do not have health insurance, you are impacted by the fact that your options are limited.

Let me give an example. Maryland citizens will continue to lose health care coverage every day if we do not reform our health care system. There are currently 760,000 Marylanders who have no health insurance. That number has been growing during this economic crisis. And now 230 Marylanders are losing their coverage every single day.

There are people in our community who currently have adequate health insurance—at least they think they do—but they are liable to wake up tomorrow and find out that because their company is going out of business or because their employer can no longer afford to provide health coverage for their employees, they no longer have health insurance to count on.

Marylanders have seen an 11-percent increase in the number of uninsured since 2007. What does this mean? As the number of uninsured increases, there is more and more cost shift. That means those of us who have health insurance are paying higher premiums than we otherwise would have to pay because we are paying for those who do not have health insurance. It means those of us who pay our doctor bills or our hospital bills are paying more than we should because we are paying for those who cannot pay their bills, who have no health insurance, who are part of uncompensated care. It is a never-ending struggle because as we cost shift more to those who have insurance, insurance becomes more expensive, and therefore fewer people can afford insurance and we have a higher number of uninsured. And that is happening today.

Marylanders with health insurance are paying more. If we do not fix the system, those in my community and in your community who have health insurance are going to end up paying more.

The average family premium in Maryland costs $1,100 more each year because our health care system fails to cover everybody, because we have the cost shifting, because we have not gotten health care costs under control. The fact is, health insurance premiums for Maryland families have been increasing rapidly over the last 8 years, going up by 64 percent from 2000 to 2007. Whether you pay that premium directly or your employer helps contribute to it, it is part of your family cost. It reflects in the compensation you would otherwise receive in salaries as an employee. It has been a 64-percent increase for Marylanders since 2000.

For family health care coverage, the average annual premium rose from $7,200 to almost $12,000 during that period of time from 2000 to 2007. For individual health coverage, the average premium rose from $2,600 to $4,100.

If we fail to enact health care reform and if we do nothing to control the escalating cost of health care, if we do nothing to deal with those who are uninsured and an increasing number of those who do not have health insurance, if we do not deal with wellness and prevention, if we do not deal with medical technology and with a more cost-effective system, then these trends are going to continue and we are going to see these types of double-digit increases in health care costs, which means more Marylanders, more people in this country will not be able to afford their current insurance coverage.

Let me mention one other fact which is something we all talk about. We want to maintain choice. One of the prime objectives of health care reform is to maintain choice—choice so you can choose your doctor; choice so you and your doctor make decisions concerning your medical needs; and choice, I would hope, in terms of what type of health coverage is out there to meet your needs.

Right now, two insurance companies in Maryland hold 71 percent of the Maryland market. For most Marylanders who have health insurance through work, they do not have a choice today. We want to offer more choice so we can keep costs down. You can tailor a health care plan to meet your family needs.

We can do better. The current status quo should be unacceptable to everyone in my State, whether they currently have good health care insurance or they are uninsured, whether they are a small business owner or work for a large company.

Let me give a couple examples of stories from Maryland. Let me give you this one. A constituent named Catherine from Baltimore wrote me a letter:

> Mr. CARDIN: I just received my health insurance bill from [an insurance company]. The premium for next year went from $666 to $968. This is a quarterly bill. . . . We have high medical expenses and I cannot afford this increase. I cannot go to another insurance company because I am high risk and I have been turned down from other medical insurance [companies]. I cannot receive medical assistance because they say we make too much. . . . I am 51 years old. When I called my insurance carrier and asked about the increase, I was laughed at and told either accept it or go somewhere else. When I asked if I could pay monthly, I was told, ''Indeed not.'' What am I to do? I need medical help, but no one wants to help. Please, could you please look into this matter and see what you can do for me?

This is a person who has health insurance, and if we don't do anything, that person is going to lose her health insurance and, quite frankly, access to quality care will also be jeopardized.

I will give another story about a small business owner, Alexis from Baltimore, who owns a small software production company that oversees IT for the city of Baltimore. He competes against much larger companies for business. He wants to do the right thing, so he has health insurance for his employees. He has 20 employees. He paid half of the cost of the employees' coverage. Some of his employees came in and said: Hey, look, can't you help us with family coverage? He would like to provide family coverage for his employees; he just cannot afford to do it and be able to compete against larger companies. He goes on to tell me that his premiums are increasing much faster than what is happening with the larger companies against which he has to compete. He doesn't have the options the larger companies have. The status quo discriminates against small companies in their health care plans.

What we need to do in health reform is to deal with these issues. That is why I come to the floor. I know there are different views as to what we need to do with health care reform, but I hope the one option that would not be on the table is the status quo. We cannot say to the Catherines of our community: We are not going to do anything to help you. We have to listen to the Catherines who are telling us: Look, get a handle on what is happening with health costs, whether we have health insurance or we do not have health insurance. Get a handle on helping those who don't have insurance so we don't have the cost shifting that goes on, that we can provide quality health care for all, that we can bring down the cost of health care in our community. Listen to Alexis, who says: Help the small business owner do the

right thing for their employees. Help bring down the cost of health care.

I urge my colleagues, we can have a robust debate as to what should be included in health care reform, but I hope at the end of the day we will listen to our constituents and provide the type of reform that will allow for people in our communities to have access to affordable, quality health care, make health care costs manageable, bring down the cost of health care, and provide prevention and wellness programs to keep people healthy. If we do that, then we are really listening to our constituents and will help our economy and help our Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. MERKLEY. Mr. President, I rise today to address one of the defining challenges of our time—the restructuring of our Nation's energy supply. Reforming our energy policy is critical for multiple reasons: to improve our national security, to create jobs and rebuild our economy, and to protect our children and our communities from the damaging effects of carbon pollution. Today I want to focus on just the first of these—improving our national security.

It has been said before and it will be said again, but it deserves repeating until we in Congress act to change it: Our Nation is addicted to foreign oil. This dependence makes us vulnerable to the whims of nations that do not have our best interests at heart.

This afternoon, I will examine this problem in some detail and consider the implications for a national energy policy that will strengthen our national security and end our addiction to imported oil. I emphasize that there is a cure. If we as a nation focus on smarter, wiser use of energy and aggressive development of homegrown renewable energy sources, we can indeed greatly reduce or eliminate dependence on imported oil, improve our national security, and strengthen our national economy, all at the same time.

Well, let's talk about dependence on foreign oil. Our dependence on foreign oil comes from two intertwined factors: First, our economy depends upon oil for transportation. Cars, trucks, trains, planes, boats that we use to move ourselves and our goods around the country are entirely dependent on oil. Indeed, 95 percent of the energy used in our transportation sector comes from oil. Second, our oil addiction relies on foreign imports: 58 percent of the oil we consume is imported. Thus, access to foreign oil is essential to the vitality of our economy. The result is that maintaining access to this oil becomes a very high priority for our national security.

Exactly whom do we depend on? The good news is, nearly 30 percent of our imported oil comes from our democratic neighbors to the north and south in North America. But that is where the good news ends. Take a look at this chart. Seventy percent of our imported oil comes from outside North America, and this chart shows the top four nations outside North America from which we import oil.

All four of these countries represent security challenges for the United States. Saudi Arabia is No. 1 on the list. It is the source of one in nine barrels of imported oil. Before addressing the fact that it presents national security challenges, it should be noted Saudi Arabia has often been a significant ally to the United States in our interests, in a relationship going back decades. Nevertheless, the dependency on their oil creates two national security issues:

First, the oil infrastructure and delivery systems of Saudi Arabia are vulnerable to terrorist attack or to manipulation by governments in the region. Consider the Strait of Hormuz. The Strait of Hormuz is a vulnerability for all Persian Gulf oil, 90 percent of which moves through the Strait. The Strait is 21 miles wide, with a narrow shipping channel. So, geographically, it is vulnerable to disruption, and Iran has explicitly threatened to put pressure on traffic going through the Strait or attempt to control it outright.

Second, the wealth we send to Saudi Arabia in exchange for petroleum has not always served us well. Former CIA Director James Woolsey testified in the Senate a few years ago that over the last three decades the Saudis have spent between $70 billion and $100 billion to support conservative institutions that often promulgate viewpoints and actions hostile to the United States. The wealth dispensed in this manner has, in some cases, migrated into terrorist organizations such as al-Qaida to recruit and build institutional capacity. This has led former CIA Director Woolsey to say of our current military conflicts: This is the first time since the Civil War that we have financed both sides of a conflict.

Venezuela is No. 2 on the list. It is, of course, led by President Hugo Chavez, a vocal critic of our country who has expressly threatened to cut off U.S. oil supplies. He told an Argentine newspaper that Venezuela has:

> A strong oil card to play on the geopolitical stage . . . a card that we are going to play with toughness against the toughest country in the world, the United States.

The third nation on this list is Nigeria. Nigeria has had a series of disruptions just this year due to civil unrest. In February, oil companies reported to Reuters that 17 percent of the country's oil capacity was cut off from export because of attacks and sabotage by militants. According to testimony given to our Senate Foreign Relations Committee by the National Defense Council Foundation in 2006, Nigeria loses 135,000 barrels per day to theft.

Iraq, No. 4 on our list, has gone through enormous upheavals. Saddam Hussein's forces destroyed much of the nation's oil infrastructure when President Bush launched the Iraq war in 2003. That infrastructure has been subject to ongoing sabotage over the last 6 years. A significant share of Iraqi oil, similar to its neighbors, moves through the Strait of Hormuz, an additional point of vulnerability. Moreover, Iraq has not succeeded yet in passing a national law to share oil wealth among the ethnic groups in the nation, and the friction that comes from this continues to allow the possibility of factional conflict and disruptions in supply.

Iran isn't on this list. We have an embargo against Iran. We don't import oil from there, but it is still worth mentioning. Many of our allies get oil from Iran and their oil supplies are large enough to affect the world markets and thereby the stability and cost of our own supply. Again, turning to former CIA Director Woolsey testifying in the Senate, he noted that Iran derives 40 percent of its government budget from oil exports. According to the RAND Corporation, higher oil revenues have not just emboldened the Iranian Government to defy the United Nations regarding their nuclear program but also helped Iran to finance the activities of Hezbollah and Hamas.

Our dependence on foreign oil makes us vulnerable to a disrupted energy supply, and the risk is heightened because most of the world's proven reserves are controlled by just a few governments. State control means countries can and do manipulate energy supply. We had a case this last year when Russia manipulated gas markets to dominate new democracies in Eastern Europe.

The Energy Modeling Forum at Stanford University brought together a group of leading experts to assess the chances of a major oil supply disruption. They identified major areas of the globe where oil disruptions are most likely due to geopolitical, military or terrorist threats. Those areas include Saudi Arabia, the rest of the Persian Gulf, Russia, the Caspian states, and a group of nations in Africa and South America—which account for 60 percent of world oil production.

So the threat of disrupted supply is a serious one for our economy, as we found out during the oil shocks of the 1970s, which cost our economy about $2.5 trillion. If repeated today, such a crisis would cost our American economy about $8 trillion. We were reminded of the threat of supply disruption again when Hurricanes Katrina and Rita disrupted supplies and caused price spikes here in our Nation.

These don't supply the United States, but they do supply our allies, and in a global oil market these supplies are interdependent. A disruption of European oil supplies would have effects on our economy.

We also expend extraordinary resources to maintain our access to foreign oil because it is so important. It is important to the success of our economy. While estimates vary, according to a study produced by the National Defense Council Foundation, the indirect security and military costs relating to securing our access to oil amount to about $825 billion. That equates to more than $5 a gallon, on top of the price we pay at the pump. So we cannot allow our Nation's security and the health of the American economy to rely on the whims of unstable, unreliable, even hostile governments.

If we refuse to address our single greatest point of vulnerability, we fail in our most fundamental duty to protect this Nation. It is clear we need to end this addiction. We need to be energy self-sufficient. But how are we going to get there? One answer, which we heard chanted in rallies across America last year, was: Drill, baby, drill.

It is true we could increase production from American reserves in the short term with an aggressive drilling strategy. In fact, I support changing leases on hundreds of thousands of acres already approved for petroleum drilling and converting those into ''use it or lose it'' leases because major oil companies have secured those leases, and they are sitting on them without doing a thing.

Nevertheless, drilling is not, and cannot be, a long-term strategy for the security of our Nation for one simple reason: America uses a lot of oil but has, globally speaking, limited reserves. In fact, the United States has just 2 percent of the world's oil reserves, as this chart shows right here. Here we are, down here at the small end, with Mexico and Europe. Then, we see Eurasia, with 7 percent; Africa, with 9 percent; Central and South America, with a little bit more; then Canada; and then the whopper, the Middle East, which makes my point about security for our supplies.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MERKLEY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, if the distinguished Senator from Oregon would care to complete his remarks, I would have no objection. I don't suspect anyone else would.

Mr. MERKLEY. I thank the Senator for that offer. I think that would be a period of about 5 or 6 more minutes, if that would be acceptable.

Mr. WHITEHOUSE. Absolutely.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would have no objection. We are limiting morning statement business up to 10 minutes. We are on the business of the energy and water appropriations bill, waiting for amendments to be filed. So we have a general order on this bill that morning business speeches will be 10 minutes.

I have no objection if the Senator wishes to take a few minutes extra, but I did want both Senators to understand that we are on the energy and water appropriations bill, and morning business is done under the consideration of that legislation. So I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MERKLEY. I would certainly defer to the Senator from North Dakota, if he feels there is other business he wishes to conduct. But I will proceed if he feels that is acceptable.

I thank my colleague.

Mr. President, we have looked at the reserves side of this, but now let's look at the consumption side. As this chart shows, America, which has only 2 percent of the reserves, consumes 24 percent of the world's oil. So we only have one-fifth of the supply but we consume one-fourth of the output. That is a formula for trouble. A nation would be in a strong position if it had very high reserves and very low consumption, but it is vulnerable if it has very low reserves and high consumption. Unfortunately, that is right where America is.

To make things worse, the price of petroleum is going to continue to rise as the thirst from China and India increases. Because of the position we are in, our addiction to imported oil will only grow if we don't significantly change our energy strategy.

So what about other fossil fuels? In my home State, energy speculators are looking to build terminals to import LNG or liquefied natural gas. There are vulnerabilities there as well. Where does LNG come from? Top producers include Qatar, Indonesia, Malaysia, United Arab Emirates, and Oman.

Other folks argue we can extract more oil from Canadian tar sands or turn our abundant oil into transportation fuel. But it is worth observing that these strategies require extraordinary energy to produce fuel and emit extraordinary amounts of pollution in the process. So we have to look elsewhere to find a solution, and the place to look is energy efficiency and renewable energy.

Energy efficiency is the fastest and cheapest way out of our dependence, and we know it works. In response to the 1970s oil crisis, the Nation doubled the required gas mileage performance of our cars and trucks and saw per capita oil consumption plummet, even as our economy grew. Our progress in this area has not been steady, however. It has stagnated over the last two decades.

Progress resumed this year, when President Obama made the announcement that we would increase gas mileage standards to more than 35 miles per gallon 5 years ahead of the date scheduled. But we can do better. China will beat us to 35 miles per gallon, and 35 miles per gallon is not sufficient. We could aggressively develop and employ plug-in hybrid technology—cars with highly regenerative braking that can go at least 30 miles on a charge, enough to cover the daily commute, with no petroleum at all.

We need to deploy efficient strategies for the trucks that carry out our commerce—similar strategies with efficient body design. We need to move goods by rail and barge. A barge can move a ton of cargo 576 miles on a gallon of fuel, and a train can move a ton of cargo 413 miles on a gallon of fuel.

We should give our families and workers better transportation options, better access to rail and bus lines. We know from experience that with the right policy choices, we can use far less energy to power our economic activity.

We use a fraction of the energy today for gross domestic product that we did 30 years ago. If we give American scientists, engineers, and businesses the right incentives, tomorrow's economy will be orders of magnitude more efficient.

The other half of the equation is renewable energy, produced right here in America. It is the second major weapon in the war against oil addiction. Renewable electric energy can replace oil by providing power for plug-in electric vehicles.

I have heard Senator REID describe Nevada as the Saudi Arabia of solar power renewable electric energy, and I have heard the good Senator from North Dakota describe North Dakota as the Saudi Arabia of wind power renewable electric energy. We need to seize this Nation's potential for renewable electric in wind, solar, wave, and geothermal.

We can also transition to homegrown renewable liquid fuels in the form of biofuels. In my State of Oregon, as one example, we have lots of fiber that can be converted, forced biomass that can be converted into fuel. We can produce biobutanol, biodiesel, and bioethanol. Producing biofuels from agricultural and forestry waste and waste from cellulosic nonfood crops raised on marginal lands, we can produce significant quantities of energy and create jobs and wealth for America's farmers and timber workers.

If an American car can go 30 miles with renewable electricity and then, if needed, switch over to a 50-mile-per-gallon engine burning cellulosic biofuels derived from forest biomass, that car is not using a single drop of imported foreign oil. It is running on 100 percent red, white, and blue energy.

In energy efficiency and renewable energy, we have twin elements that can break our addiction to foreign oil, but to achieve that self-sufficiency we need a comprehensive energy policy, a comprehensive strategy for saving energy and producing our energy here at home. That is what President Obama called for and what the Senate Committee on Environment and Public

Works is developing—drafting a comprehensive system of incentives and investment that, in combination with energy policies crafted by the Senate Committee on Energy and Natural Resources, will reduce our fossil fuel dependence and put us on the track to energy self-sufficiency.

Some say that energy conservation and renewable energy are too expensive. They could not be more wrong. Every economist will tell you that the cheapest energy is the energy you never use. Even today, renewable solar, wind, and geothermal are cheaper than imported oil when you factor in the huge price we pay to maintain our access to that oil.

Let me add, when we stop spending $2 billion a day on imported oil and spend that money on renewable fuels here in the United States, we are going to create a lot of good-paying jobs for America's families.

Depending on a few foreign nations for imported oil is a colossal mistake. We need to change course, improve our national security, and spend our energy dollars here in America to create jobs. That is why I hope every Member of the Senate will join me in supporting our 2009 clean energy and jobs bill when it comes to the Senate floor this fall.

I yield the floor.

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

Mr. DORGAN. Mr. President, the 1 o'clock time has passed for the filing of amendments as a result of the cloture motion being filed last evening. I believe we now have about 90 amendments filed to this bill. Not all of them will be offered, certainly, but 90 amendments represent the determination of people who wish to alter this bill, who wish, presumably, to come and offer amendments, have a debate on amendments, and perhaps have a vote on their amendments. Yet no one arrives.

I indicated earlier that Senator BENNETT and I have talked about a third reading on this legislation to move it through the Senate. The fact is, the majority leader will not have the patience to allow us to sit here with nothing to do and people saying they want to offer amendments but not being willing to show up to offer amendments. We have been here since Monday afternoon, and very little has been done.

I again say to the staff that may be watching or Senators who are watching, I think we ought to conclude this bill. If people are not interested in offering amendments—filing amendments is not offering them. If they do not have the interest in coming to the floor of the Senate to offer them, I am going to push very hard with the majority leader to go to third reading and finish this legislation this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, while we await the arrival of Senators who may be interested in offering their amendments, I ask unanimous consent to speak for up to 12 minutes in morning business.

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

Mr. WHITEHOUSE. Mr. President, I rise today to join my colleague from Oregon in discussing the challenges and opportunities America faces as we look to ensure our economic leadership and prosperity for the 21st century and beyond.

America has always been a land of innovation and entrepreneurship. We led the way during the industrial revolution, which began at Slater Mill in Pawtucket in my home State of Rhode Island. We led the way in the information technology revolution that began in Silicon Valley. It is in American DNA to think boldly and through hard work to translate bold thinking into practical solutions, solutions that improve people's lives all over the world and bring prosperity to our shores.

It is time for us to lead again. A clean energy economy beckons, and we must not, we cannot ignore the call. Congress must act to pass clean energy legislation that will promote, here at home, cleaner, cheaper renewable energy sources such as wind, solar, and biofuels. I stand here today in strong support of such legislation.

Our transition to a clean energy economy is past due. This country has run on the same fuels at basically the same efficiency levels since the start of the industrial revolution over a century and a half ago. This was acceptable in 1900, perhaps even in 1950, but where does it leave us today, in 2009?

First, it leaves us dependent on foreign oil. Approximately 40 percent of our energy needs are met through oil, and more than 70 percent of this oil, at a cost of $630 billion out of the American taxpayers' pocket every year, comes from foreign sources including Saudi Arabia, Venezuela, and other regimes that do not wish us well. It is the largest transfer of wealth in history, and we are on the losing end of it, and international big oil is only too happy to profit off America's decline.

Second, while we enrich hostile foreign governments and international big oil, other countries have embraced the development, manufacture, and export of renewable clean energy technology, such as wind turbines and solar panels, so that now half of America's existing wind turbines are manufactured overseas. The United States invented the first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only one of the world's top 10 companies manufacturing solar energy components and to only one of the world's top 10 companies manufacturing wind turbines.

Recently, two wind turbines went up in Portsmouth, RI. One was manufactured by Vestas, a Danish company, and the other by an Austrian company with a Canadian distributor that delivered the components to Rhode Island. These turbines are very welcome. It was like a barn raising when they went up. People came out to watch. As a result, Rhode Island and America got the benefit of cleaner, cheaper energy, but we missed out on the manufacturing jobs these projects should have created for American workers.

Other countries that have embraced the demand for clean energy technology, such as China, Germany, Japan, and Brazil, are all investing more per capita in clean energy than the United States.

I ask unanimous consent to have printed in the RECORD a Washington Post article dated July 16, 2009, ''Asian Nations Could Outpace U.S. in Developing Clean Energy.''

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

[From the Washington Post, July 16, 2009]

ASIAN NATIONS COULD OUTPACE U.S. IN DEVELOPING CLEAN ENERGY

(By Steven Mufson)

President Obama has often described his push to fund ''clean'' energy technology as key to America's drive for international competitiveness as well as a way to combat climate change.

''There's no longer a question about whether the jobs and the industries of the 21st century will be centered around clean, renewable energy,'' he said on June 25. ''The only question is: Which country will create these jobs and these industries? And I want that answer to be the United States of America.''

But the leaders of India, South Korea, China and Japan may have different answers. Those Asian nations are pouring money into renewable energy industries, funding research and development and setting ambitious targets for renewable energy use. These plans could outpace the programs in Obama's economic stimulus package or in the House climate bill sponsored by Reps. Henry A. Waxman (D–Calif.) and Edward J. Markey (D–Mass.).

''If the Waxman-Markey climate bill is the United States' entry into the clean energy race, we'll be left in the dust by Asia's cleantech tigers,'' said Jesse Jenkins, director of energy and climate policy at the Breakthrough Institute, an Oakland, Calif.-based think tank that favors massive government spending to address global warming.

Energy Secretary Steven Chu and Commerce Secretary Gary Locke are visiting China this week to discuss cooperation on energy efficiency, renewable energy and climate change. But even though developing nations refused to agree to an international ceiling for greenhouse gases last week, China and other Asian nations are already devoting more attention to cutting their use of traditional fossil fuels such as oil, natural gas and coal.

South Korea recently said it plans to invest about 2 percent of its GDP annually in environment-related and renewable energy industries over the next five years, for a total of $84.5 billion. The government said it would try to boost South Korea's international market share of ''green technology'' products to 8 percent by expanding research and development spending and strengthening industries such as those that produce light-emitting diodes, solar batteries and hybrid cars.

China and India are kick-starting their solar industries. India aims to install 20

gigawatts of solar power by 2020, more than three times as much as the photovoltaic solar power installed by the entire world last year, the industry's best year ever. And China's new stimulus plan raises the nation's 2020 target for solar power from 1.8 gigawatts to 20 gigawatts. (A gigawatt is about what a new nuclear power plant might generate.)

''China is trying to catch up in a global race to find alternatives to fossil fuels,'' the official China Daily said in an article last week.

''A lot of people underestimate how focused China is on becoming a global leader in clean technology,'' said Brian Fan, senior director of research at the Cleantech Group, a market research firm. China now provides a $3–a-watt subsidy upfront for solar projects, he said, enough to cover about half the capital cost. Fan said it is ''the most generous subsidy in the world'' for solar power.

China is also expected to boost its long-term wind requirement to 150 gigawatts, up from the current 100 gigawatt target, by 2020, industry sources said. Jenkins said China could provide $44 billion to $66 billion for wind, solar, plug-in hybrid vehicles and other projects. Fan said China also plans to make sure that many of the orders go to its own firms, Gold Wind and Sinovel.

The big Asian research and investment initiatives come as U.S. policy makers boast about their own plans, giving ammunition to those who say this country needs to do more.

''That R&D represents America's chance to become the world's leader in the most important emerging economic sector: energy technology,'' said House Majority Leader Steny H. Hoyer (D–Md.) in a May 13 speech to the U.S. Chamber of Commerce. ''In the years to come, I hope that America will be selling clean technology to China and India and not the other way around.''

Confident that the United States will develop top-notch technology, the House voted overwhelmingly on June 10 to oppose any global climate change treaty that weakens the intellectual property rights of American green technology.

''We can cede the race for the 21st century, or we can embrace the reality that our competitors already have: The nation that leads the world in creating a new clean energy economy will be the nation that leads the 21st century global economy,'' Obama said on June 29.

But countries in Asia are not standing still waiting for U.S. advances.

That both excites and worries U.S. manufacturers torn between opportunity and fear of a boost for Asian competitors at a time when the world's biggest market, the United States, has slowed down sharply. ''This is heavy manufacturing business. The U.S. has had a great position over the last several years,'' said Vic Abate, vice president of renewables at General Electric, the world's number two wind turbine company. ''If it slows down and if investment doubles down in China, it will be a lot harder to catch up.''

''We have already been left behind in some areas,'' said Mark Levine, director of the environmental energy technologies division at Lawrence Berkeley National Laboratory. ''But . . . there remain many opportunities,'' he said, adding that ''the U.S. can carve out key areas in clean energy technology.''

Although GE is the only U.S. company among the world's top 10 wind turbine makers (China has two, Germany has three), Levine said ''there are areas in wind energy where we are likely to develop crucial technologies that we will both exploit and likely license to others.'' He cited advanced materials that would permit stronger rotors and techniques for taking advantage of higher wind speeds at greater heights.

Levine said the United States is unlikely to ''become the or even a leading photovoltaic manufacturer. But our scientific talent . . . has a good chance of developing the next-generation PV systems which we could either manufacture in China or another country . . . or license to foreign companies. . . . Even if the manufacturing is done abroad, this will lead to very real and large benefits to the U.S. from licensing fees, not to say sales in the U.S. and elsewhere.''

Mr. WHITEHOUSE. We have some catching up to do, and while we do that catching up, millions of Americans are out of work.

My home State of Rhode Island has one of the highest unemployment rates in our country. Across my State and across our country, couples are sitting at the kitchen table at night after the kids are in bed, with the bills on the table in front of them, and they are trying to figure out how to make ends meet and it is not adding up. That is the reality many Americans face when we cling to the failed policy of the past, when we care more about keeping big oil happy than about finding new, inventive ways for the average American worker to find lasting, secure employment in the tradition of American entrepreneurship.

Remarkably, there are those in Congress who would have us do nothing, who would remain wedded to tired, centuries-old technologies and left in the dust as other nations race for leadership in the new clean energy world. I submit this do-nothing caucus is selling America short. Don't they trust that when it comes to inventing new technologies and manufacturing valuable products, we are the best in the world?

If Congress passes strong clean energy legislation that creates the necessary incentives for the research, development, manufacture, and sale of clean energy technologies, that spirit of innovation and entrepreneurialism will again lead the world, as it has so often over the centuries. We can have confidence in that.

We have already seen some progress. It is clear, at least, that people outside the beltway get it. In the last 10 years, jobs in the technology sector have grown nearly 2½ times faster than overall. In 2006 alone, the American Solar Energy Society estimates that Federal, State, and local governments spent $8.6 billion on energy efficiency, creating 64,000 direct jobs and 83,000 indirect jobs. Their investment of an additional $3.2 billion in expanding new energy production created more than 7,000 direct jobs and nearly 9,000 indirect jobs.

Every day in America, real people and real companies are moving into the clean energy economy. In Rhode Island, Newport Biodiesel is producing a cheaper form of home heating oil for Rhode Island families by recycling restaurant grease. Alteris Renewables is creating jobs in Rhode Island installing solar energy systems on residential homes. I recently visited a home in Charleston, RI, where a family has a new Alteris solar energy system on their roof and heard from them about the significant energy savings they will achieve.

But this is only a fraction of the scale needed to revolutionize our economy. The American people, our researchers, entrepreneurs, and workers from the largest, most sophisticated research institutions and corporations to our smallest local businesses, can create clean energy jobs everywhere in the United States—in urban areas as well as rural, in the Rust Belt as well as the Wheat Belt, in our deserts and on our coasts. All they need is for us in Congress to set the economic parameters correctly, to level the playing field with foreign competition, to meet the market for investment in these products. America is waiting for Congress to act.

As I close, let me address a couple of the points we often hear from the do-nothing caucus and their see-nothing supporters in the boardrooms of the big polluters.

First, we simply cannot drill our way toward a secure energy future. It would take 10 years before we would see any tangible results from drilling, and the result would be negligible when it came. The United States has only 3 percent of known oil reserves. Yet we use 25 percent of the world's oil production. We cannot drill our way out of that math. The United States could supply 20 percent of our energy needs through wind power alone, not even factoring other forms of renewable energy.

The choice is a clear one for the future: Do we continue to enrich ExxonMobil and continue our dependence on foreign oil from places such as Saudi Arabia and Venezuela or do we decide to lead the world and tap into America's most abundant resource, the innovation and entrepreneurship of the American people?

We should also be skeptical of the champions of the status quo when they exaggerate the cost associated with transitioning to a clean energy economy. Our CBO has projected that clean energy jobs legislation would cost most American households on average less than a postage stamp per day, and it actually puts money back into the pockets of the poorest families, and that didn't even consider the savings to individuals and companies from energy efficiency practices and technologies. If prices go up a little but efficiency reduces demand and reduces use, families save. They always leave that part out of their see-nothing scenarios. We can easily increase our energy efficiency to cover 15 percent of our energy needs by 2020 and save American families and businesses nearly $170 billion in electricity costs.

Of course, the do-nothing caucus overlooks the cost of doing nothing. Unchecked greenhouse gas pollution has already begun to melt our glaciers and warm our oceans, leading to stronger, more frequent storms and rising sea levels. America's insurers are

worried about our coasts, home to over 53 percent of the U.S. population, where we generate over 83 percent of our gross domestic product. We put a lot at risk if we follow the lead of the do-nothing caucus.

We have heard the ''Do Nothing Caucus'' argue that strong environmental legislation would hurt the economy and cost us jobs. It is the same old polluters' argument. It is as wrong now as it has always been before.

In the 1990 debate on the acid rain program, manufacturers warned that the health benefits of the program were unclear and that their adoption could deal a ''crushing blow to U.S. business.'' But when the acid rain program was enacted, the program began delivering $70 billion annually in human health benefits, at a benefit-to-cost ratio of more than 40 to 1. Industry and environmentalists alike now agree the program was a success. Oops to that argument.

In 1995, DuPont warned the costs of phasing out ozone-depleting chemicals would exceed $135 billion and that ''entire industries would fold.'' But when the phaseout became law, compliance costs turned out to be less than 1 percent of the doomsday projection. DuPont made millions selling substitutes for the phased-out chemicals, and we managed to shrink the hole in the ozone layer of our Earth's atmosphere. Oops again.

We are at a crossroads. We can step toward the clean energy economy that beckons and show the world our capacity for leadership in the world economy, as we have done time and time again, or we can cling to the status quo, heads firmly wedged in the sand, and trade in our future for the well being of big oil and the Saudi Arabia royal family.

The right choice is clear, and I am confident we will make it.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY.) The Senator from Texas is recognized.

TORT REFORM

Mr. CORNYN. I know a number of our colleagues have come to the floor and talked about health care reform. I think this is not only an important debate, I think the American people deserve our best work and certainly our closest attention to something that will impact not just some of us but literally all 300 million of us living here in the United States.

I want to focus my remarks on the next few minutes on what is missing, what is missing from the bills moving in the Senate and the House of Representatives. Millions of Americans are paying attention to what is in these bills. That is a good thing. Everybody wants to see what Congress is up to and everybody wants to understand what is in these bills and how it will impact their health care.

As I talk to my constituents in Texas, they tell me that Congress may well make the problem worse, and for good reason. Families are worried that Congress will increase the cost of their health care or force them into a government plan, a pathway to a single-payer system.

Small business owners are concerned that higher taxes and new mandates will make it harder for them to weather the current recession. Physicians and other health care providers are worried that we will not fix the problem with Medicare and Medicaid, and will make their hassles even worse by creating new government programs on top of flawed and unsustainable current government programs.

Patients—that would be all of us—are worried about the quality of care and whether the government will ultimately deny treatment or delay treatment as in Canada and the United Kingdom and other places where the government has taken over health care. And everybody is, frankly, worried about spending more taxpayer dollars, especially after the spending spree we saw earlier this year with the flawed stimulus package which spent more than $1 trillion, including interest, of borrowed money, and which has failed so far to meet its intended goal of keeping unemployment down to 8 percent or less.

I believe the people of this country will have greater confidence in Congress if we focus on reforms that will actually lower the cost of health care and not reduce access or quality, and that will actually increase access and quality.

One proven way of doing that is not even on the table. I think the American people would be justified in asking: Why? Why is that not on the table? Why are we not talking about eliminating junk lawsuits that create the practice of defensive medicine and which do nothing but exacerbate and worsen high health care costs in this country?

Medical liability laws exist for a very good reason, to compensate victims of negligence and other medical errors. Every victim of medical malpractice deserves access to the courts and for their case to be heard. But over the years our laws have somehow encouraged a wave of frivolous litigation which has done little but enrich trial lawyers and encourage the practice of defensive medicine and increase the cost of health care for all of us. It is estimated that defensive medicine costs the American taxpayer more than $100 billion every year, $100 billion of additional cost. That is according to economists Daniel P. Kessler and Mark B. McClellan.

Yet despite this potential savings of $100 billion, trial lawyers have not been asked to make the same sacrifices as others have to lower health care costs.

We know there is a lot of arm twisting going on here in Washington these days. Hospitals, drug makers, insurers, and others have all been asked to pitch in, make a commitment to help. But so far there is one contingent that has not been asked for one dime. That is the trial lawyers. They have not been asked to step up and take one for the team.

Medical liability reform can lower costs while expanding access to care. I would respectfully suggest to my colleagues that they look to the experiment we have recently conducted in the State of Texas. It is a successful experiment to increase access and lower costs. Texas illustrates both the problem and the solution. In the early part of the decade, Texas was a trial lawyer's dream and a doctor's nightmare. Our State had become a haven for medical malpractice lawsuits. As a result, physicians' medical malpractice premiums had doubled and many insurers simply gave up and left the State and would no longer write medical malpractice insurance coverage at all. In fact, the number of physician liability insurers writing policies in Texas fell from about 17 to 4. Many doctors left the State or restricted the procedures they were willing to perform or simply retired early. This reduced access to health care as well as quality for millions of people across the State of Texas.

Our legislature and our Governor at the time saw the problem, and in a series of legislative reforms culminating in 2003, they took action. They placed a $750,000 cap on noneconomic damages in medical malpractice cases. They required the punitive damages; that is, damages that are awarded for punishment, not as compensation, be approved by juries unanimously. They imposed a firmer statute of limitations saying you needed to bring your claim within a specified time rather than sit on your rights and allow this claim to be stale and witnesses' memories dim. They set a higher standard for expert witnesses, the so-called out-of-town folks with a briefcase who are willing to testify for or against a particular claim depending on their compensation.

These and other reforms were designed to create an honest and predictable civil justice system, in which victims would receive just and timely compensation; bad actors would be held to account; and the good doctors could afford to practice in our State.

As I indicated, the results of this experiment have been dramatic. Average premiums for medical malpractice fell by 27 percent on average, 27 percent lower premiums, and in some cases by more than 50 percent.

Patients saw lower premiums for health care because doctors no longer had to pay skyrocketing premiums for their medical liability insurance. That translated into lower premiums for patients for their health care.

More than 400,000 Texans are now covered by health insurance because premiums have become more affordable. That is 400,000 more since these reforms took place.

Another amazing phenomenon here is that physicians literally flocked to our

State. They literally returned to the Lone Star State in large numbers. We saw the overall growth rate of 31 percent in the number of new physicians moving to our State, including underserved areas such as El Paso, TX, where a 76-percent increase in that underserved area was seen as a result of this reform.

We also saw a number of key medical specialists who had simply fled critical parts of our State—such as obstetricians, neurosurgeons, orthopedic surgeons—return to practice and provide access to good quality health care.

Some Texans who had never had access to prenatal care or emergency care available in their county now have greater access, which means shorter drive times and wait times and healthier babies and happier families.

The results in Texas, I would submit, have simply been remarkable. But what a great laboratory for us to learn from in enacting commonsense medical liability reform as part of our overall health care debate. But, of course, Texas is not unique in this experience. Other States have reformed their laws as well to similar effect, including California, Colorado, Florida, Indiana, Montana, and Virginia. They have seen lower costs and greater access to health care. What works in the State can also work here in Washington, DC and around the whole country generally if we were simply to have the courage to embrace it. We must include medical liability reform in eliminating junk lawsuits and frivolous litigation as part of any comprehensive health care reform bill.

Specifically, we should enact standards that cap noneconomic damages, establish firmer statutes of limitations so that claims will be brought on a timely basis and not after memories fail and evidence is lost. We should implement several other reforms that have proved to be so successful both in Texas and around our States. These reforms will lower the cost of health care for all Americans.

But do not take my word for it. Ask the Congressional Budget Office. The nonpartisan Congressional Budget Office has been under tremendous political pressure these days, including an unprecedented invitation by the President of the United States for the current Director to come over to the White House and explain why they have come back with such eye-popping, sticker-shock numbers as they have with some of the proposals that have been made.

But the Congressional Budget Office took a look at the potential cost savings if Washington adopted national reform along the lines of what we have done in Texas. They estimated that the Federal Government alone would directly save $5.6 billion from these types of reforms and that total health care spending could be reduced further if these reforms reduced the practice of defensive medicine.

CBO also concluded that such reforms would likely increase access to health care as we have seen in Texas, where doctors, instead of retiring, decide to continue to practice where they will feel less like hunted prey and more like the health care provider they always have wanted to be, and provide healing and comfort and care to people without access to care right now.

Medical liability reform cannot solve all of the problems in our health care system, but no health care reform bill will ever be comprehensive without it. I would ask my colleagues why it is that every other idea under the Sun seems to have made its way into the health care reform bills we have been debating except for one of the most obvious, which is medical liability reform.

Even President Obama acknowledged that huge liability judgments lead doctors to practice defensive medicine, which drives up the cost of health care for all of us.

Now is the time for Congress to reach the same conclusion and to take steps that have proven so successful in a number of States. If we reform medical liability laws nationwide, eliminating junk lawsuits and frivolous litigation, we will lower the cost of health care, we will expand access to health care, and we will show the American people that we are listening to them and focusing on solutions that will work.

I yield the floor.

AMENDMENT NO. 1903 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I call up amendment No. 1903.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 1903 to amendment No. 1813.

Mr. SANDERS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional amounts for technical assistance grants)

On page 34, line 7, before the period, insert the following: ": *Provided further*, That within existing funds for industrial technologies $15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(b))":

Mr. SANDERS. Mr. President, this amendment addresses the issue of district heating which has incredible potential as a force for sustainable energy. Specifically, what this amendment would do is provide $15 million in technical assistance grants to institutional entities such as municipal utilities, institutions of higher learning, public school districts, local government or a designee of any of these entities through section 399A of the Energy Policy and Conservation Act as incorporated by the Energy Independence and Security Act of 2007. It would do this by directing $15 million within the $100 million for the DOE industrial technologies program to be directed toward district energy and combined heat and power.

This Nation has a huge opportunity to reduce greenhouse gas emissions, create jobs, and provide reliable energy for heating and cooling and electricity by moving toward district energy and combined heat and power. District energy systems provide heating and cooling to two or more buildings or facilities through underground pipes. These systems can efficiently meet the heating and cooling needs of towns and cities. Much of Copenhagen, for example, is now heated through district heating. It can provide electricity and heating for college campuses, for hospitals, public buildings, and other facilities.

Combined heat and power refers to the production of both electricity and thermal energy. You are creating electricity and heat from the same powerplant. Combined heat and powerplants can provide thermal energy for district energy systems.

In my city of Burlington, VT, where I had the honor of being mayor for 8 years, we built the largest wood chip burning plant in the State of Vermont. This plant has a 50-megawatt capacity that runs on wood chips and wood waste. Roughly 60 percent of the energy produced by this plant is lost as wasted heat. Burlington, similar to other cities around the country, could capture that waste heat and use it to provide heating and cooling to multiple buildings downtown.

According to a 2008 Department of Energy report, combined heat and power systems, particularly in coordination with district energy systems, could make a huge impact in meeting our energy needs while lowering greenhouse gas emissions. Approximately 40 percent of our energy consumption is for heating and cooling of our buildings as well as industrial process heat. Combined heat and power represents roughly 9 percent of our electric power capacity today. If we can move to 20 percent combined heat and power by 2020, we could, according to the DOE, create more than 1 million new jobs and avoid more than 800 million metric tons of carbon dioxide emissions. This would avoid more than 60 percent of the projected growth in carbon dioxide emissions between now and 2030. In other words, this is a big deal. We are talking about real technology that is deployable today, not 50 years in the future. It is here today, ready to be utilized.

In Copenhagen, district energy provides clean heating to 97 percent of the city. This has saved energy, reduced fossil fuel consumption, and avoided greenhouse gas emissions. In our own country, in St. Paul, MN, district energy and combined heat and power provide 65 megawatts of thermal energy and 25 megawatts of electricity from renewable urban wood waste. That is an extraordinary development. This

heats more than 185 buildings, 300 homes, and cools an additional 95 buildings. This has reduced emissions and provided exceedingly reliable energy for St. Paul. Same story, smaller scale, Jamestown, NY.

I offer amendment No. 1903, which will provide $15 million for technical assistance grants under a program authorized in the 2007 Energy Independence and Security Act. These grants will help with engineering studies and feasibility studies. The grants do require a match of between 25 and 60 percent so we are leveraging Federal dollars wisely. These grants were authorized but have never received funding. In fact, we have long neglected district energy and combined heat and power systems. We should be providing Federal support for these efficient technologies.

Interestingly, according to the Biomass Resource Center and the International District Energy Association, there are hundreds of shovel-ready projects that need capital for infrastructure to go forward right now. We are on the verge of putting people to work, cutting greenhouse gas emissions, making these systems more energy efficient. We also have many programs around the country that are in need of money for feasibility studies. By providing for technical assistance grants, we are taking an important step to move these projects forward.

I ask the chairman of the committee, I have offered this amendment. How does he suggest we proceed?

Mr. DORGAN. Mr. President, I am prepared to accept the amendment. My colleague, Senator BENNETT, is as well. The amendment has been cleared. We have reviewed it. We think it has merit, and we have approved it on both sides. I suggest we ask for consideration and have a vote on the amendment at this point.

Mr. SANDERS. I thank the chairman.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1903) was agreed to.

Mr. DORGAN. I thank the Senator from Vermont. I know he cares passionately about this issue. The description he has given demonstrates the merit of this proposal. Frankly, I am happy to be supportive.

Mr. SANDERS. I thank the Senator.

AMENDMENT NO. 1895 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and Coburn amendment No. 1879 be called up.

Mr. DORGAN. Might I ask the Senator to yield for a question?

Mr. COBURN. I am happy to yield.

Mr. DORGAN. Senator COBURN and I and Senator BENNETT talked about the order of his amendments. I believe he has three amendments. We intend to accept one. I had indicated to him on the contracting amendment he intends to offer, I will offer an amendment as well, and we will have side-by-side votes. I wonder if I might offer my amendment to have it pending. The Senator would then offer his amendment and discuss it and I would offer my amendment on behalf of myself and Senator BENNETT. If that is acceptable to the Senator from Oklahoma, I believe my amendment is filed. I ask unanimous consent that that amendment be called up. It is amendment No. 1895. I ask that on behalf of myself and Senator BENNETT.

The PRESIDING OFFICER. Without objection, the clerk will report the Dorgan amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. BENNETT, proposes an amendment numbered 1895 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide requirements regarding the authority of the Department of Energy to enter into certain contracts)

On page 63, after line 23, add the following:

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.''

AMENDMENT NO. 1879 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The clerk will report the Coburn amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1879 to amendment No. 1813.

The amendment is as follows:

(Purpose: To reduce the appropriation for Departmental Administration of the Department of Energy so that the Department can set an example for all Americans by reducing unnecessary energy usage)

On page 44, line 4, strike ''$293,684,000'' and insert ''$279,884,000''.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Let me first discuss the amendment No. 1895. The American people need to know what this is.

This is a way to say we are following the law on everything in terms of contracting except if it is an earmark. That is what this amendment does. It says we will follow all the laws on contracting except if we have an earmark that we want some company to get that might be a political friend or political donor or might be something we think is better than somebody else might think. Dorgan 1895 essentially guts transparency for this country in terms of when we buy, what we buy, and how we buy.

My amendment says anything we buy is going to be competitively bid. Senator DORGAN may have something he believes in strongly and believes should be done. There is nothing wrong with that, especially if it is authorized. But there is plenty wrong with saying who is going to get the benefit from that being done, which company, which firm, which special interest group. Most often earmarks are for the well heeled, the well connected in this body. When I bring an amendment to the floor that says we will have transparency, the American people will get value. Even if we do an earmark, at least we know we will buy that earmark at a competitive price compared to what we could have bought it for otherwise.

What the Dorgan amendment does is guts that. It says we will follow the law all the time, the Federal contracting statutes, except when we have earmarked something. So what it does, it allows them to vote to say they are following the law with the exclusion of all earmarks. Whereas my amendment says if you are going to earmark something, at least in these times of trillions of dollars of deficit, maybe the American taxpayer ought to get the benefit of having it competitively bid so that we get real value for it. It is not any more complicated than that.

What we say in my amendment is if it is out there, get good value for the American people, competitively bid it. Make sure it is online. Make sure we follow all the rules and regs. Today it is much more important than ever because government purchasing is more important to those people whose businesses are down-sliding. So we are having many more people interested in competing for the dollars on government work. Yet we have an amendment that is going to be voted on side by side for political cover only that sounds good. It sounds good. It says:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act . . . or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute . . .

That is code word for earmark, ''unless such contract is otherwise authorized by statute.''

If you vote for the Dorgan amendment, you want to continue to connect the well heeled, the well connected and you don't want transparency and you don't want competitive bid prices on what we as Americans pay through our tax dollars for what the government buys. It is as simple as that. What my amendment says is, each time, every time, unless it is in the interest of national security, we will, in fact, competitively bid. We may not all agree

where Senator DORGAN or I may want something done, but at least when we are doing it, we will buy it in a more efficient, more effective way and save money for the American taxpayer.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. COBURN. Is the order that we will pool votes for a later time?

Mr. DORGAN. Mr. President, I will respond, of course, to the comments of the Senator from Oklahoma. If he would wish, it might be sensible for him to proceed to offer his other amendments, calling them up, setting aside this amendment, and we will have them all in front of us. Then we can discuss them and develop an order by which we might vote.

AMENDMENT NO. 1878 AS MODIFIED TO AMENDMENT NO. 1813

Mr. COBURN. I ask that the pending amendment be set aside and I call up amendment 1878; further, that it be in order to modify the amendment with the change I send to the desk. I understand Senator DORGAN has approved this change.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1878, as modified to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To require public disclosure of reports required in appropriations bills)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that Agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, throughout this appropriations bill, we have a lot of reports we are asking agencies to come up with. This is another amendment about transparency. I appreciate the fact that the chairman and ranking member will accept this amendment.

What this says is, if we get a report, the agency has to report it to the American people. In other words, they have to publish it. We get to see what the results of that report are. There are exceptions for national intelligence and the military, but in those areas where there is not a reason for the American people not to see it in terms of national defense or our own security, what this amendment says is the agencies have to release the reports and put them online and make them available to the American people. You paid for the report; you ought to be able to see the results. Far to often around here, we get reports but only certain people get the reports. Some of us never get reports. So what this says is, the reports that come out of here that are not related to national security or defense and otherwise are appropriate will be made available by the agency to the American public.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, Senator BENNETT and I have reviewed this amendment and think it has merit and support it and hope we could vote on this by voice vote and that we might do so immediately. So, Mr. President, if the Senator from Oklahoma is ready, I will suggest that we dispose of this amendment by consent.

Mr. COBURN. Mr. President, it is fine for us to accept it.

Mr. DORGAN. It has been cleared by both the Republican side and Democratic side.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1878), as modified, was agreed to.

Mr. COBURN. So I understand, Mr. President, we have accepted amendment No. 1878. I also understand that amendment No. 1884, which requires contracts, has a side-by-side with Dorgan amendment No. 1895.

AMENDMENT NO. 1879

Mr. President, is amendment No. 1879 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. COBURN. At the Department of Energy, one of its tasks in this country is to help us with energy efficiency, to help us with a lot of what we would expect to be within the Department of Energy. It is peculiar, however, when the Department of Energy has looked at themselves, they are highly inefficient, according to their own inspector general, with the utilization of energy.

They have 9,000 buildings. The inspector general said last year they wasted at least $13.8 million in energy costs—$13.8 million. There is $13.8 million they could have saved had they done some small, simple, straightforward things like they request every other agency in the Federal Government to do. Isn't it ironic that the very agency that is telling all the rest of the agencies to save money by becoming efficient with their computers, by becoming efficient with their heating and cooling systems, by becoming efficient with their utilization of lighting, does not even follow their rules they ask the rest of the agencies to follow.

This is a very simple amendment. We know at least $13.8 million was wasted last year. That is probably just the tip of the iceberg. This amendment says we are going to reduce their funds by $13.8 million. And I can tell them the steps tomorrow as to how they can save $13.8 million so it will have no net effect on the agency. So with what we do, the American taxpayers get $13.8 million, as a minimum, of energy savings out of the Department of Energy. That is as straightforward as I can say it.

Here is another one of those reports that nobody reads except our staff, and you see the IG is doing their actual work, and now we are bringing an amendment to the floor. It has not been agreed to. It has not been accepted. But it is absolute common sense. I do not understand why it is not accepted, when the IG has plainly listed out where you can save the money and how you can do it. Why would we not reduce their funding to force them to do that?

So it is a no-net-revenue-loss for them because they are going to save the $13.8 million as they reconfigure computers, as they follow their own regulations within the Department of Energy. I will not go on in detail. But this is the kind of commonsense amendment we need to be doing in the Senate to hold the agencies accountable to follow their own rules, as they force everybody else to follow the same set of rules. This is not ''do as I do.'' This is ''do what you see us doing.'' That is the model, and that is the example.

AMENDMENT NO. 1884 TO AMENDMENT NO. 1813

Mr. President, it is my understanding that amendment No. 1884 still needs to be called up. So at this time, I ask unanimous consent to set aside the pending amendment, call up amendment No. 1884, and then following its calling up, to set it aside and resume the present amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1884 to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

At the appropriate place, insert the following:

SEC. ___. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C.

253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award the grant uses competitive procedures to select the grantee or award recipient.

AMENDMENT NO. 1879

Mr. COBURN. Mr. President, it is my understanding we are back on the previous amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. One last point I would like to make is that the Department of Energy is responsible for numerous private sector energy-efficient programs and for the enforcement of those programs. It makes sense that if they are going to be the enforcer and be responsible, they ought to follow those same energy efficiencies to regain the confidence of the very people they are saying they want change from. It is pretty hard to expect people to swallow making changes for energy efficiency in all the rest of the government agencies when the very agency that is telling you to do it does not follow its own rules. So this is straightforward.

I know the appropriators do not like somebody coming and cutting money, but this is a no-net-cost to the agency. All they have to do is about 15 small steps—very inconsequential in terms of cost—and they can save almost $14 million next year. Probably they will save $20 million or $25 million, and that is just based on the two IG reports we have from the fall of last year and the spring of this year. So this is not old data. This is brandnew data. These are brandnew reports from the IG.

I hope my colleagues would reconsider and accept this amendment because it is one of the ways we can save $13.8 million. It is an easy deal.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, as always, the Senator from Oklahoma is thoughtful and courteous, and we appreciate—Senator BENNETT and I appreciate—him coming to the floor and offering his amendments.

Let me say to the Senator from Oklahoma, we cut the administration budget in the Department of Energy by $8 million as we brought it to the floor. But even more important than that, we have cut $643 million from the Department of Energy from the President's budget. So as CBO recalculates the President's request to the Congress, we have cut $643 million. And we have cut $8 million in the administration budget in the Department of Energy.

So I sympathize with his notion. I certainly strongly support what he is suggesting to the Department of Energy they should do. I just say to him, we have already made those cuts and far, far more in terms of what the President wanted for the Department of Energy. We are $643 million below the President's request and $8 million below in the administration accounts in the Department of Energy.

Mr. President, I will be happy to yield to the Senator.

Mr. COBURN. Mr. President, the Senator would admit, would he not, that the President's request is what he requested, it is not what was actually spent last year? That is No. 1. What you have done is cut $8 million from actual expenditures in administration last year.

Mr. DORGAN. That is correct.

Mr. COBURN. So therefore would the Senator agree to accept my amendment to just adding $5.5 million to the $8 million you have already cut, because you are going to get it back in energy savings?

Mr. DORGAN. Mr. President, again, I agree that what we ought to be doing is encouraging the Department of Energy—all Departments—to be engaged in energy savings and efficiencies and so on. I will be glad to visit the Senator about cuts. But, as I said, we already made substantial cuts. I think the Senator from Oklahoma knows that the President's request, in the context of the broad range of budget requests for a broad group of Federal agencies, was what he felt he wanted and needed in order to have some sort of transformational energy future.

We are working on a wide range of new and innovative energy approaches: decarbonizing coal, additional production in wind and solar and biomass, additional production offshore in the gulf. We are working on a lot of issues, and some of that requires substantial research and development. So the President had a pretty good appetite for what he felt was needed. We cut that by $643 million.

The reason I am emphasizing that to the Senator is Senator BENNETT and I did not just saddle up and say: Well, whatever you want, here it is. We cut it, and we cut it because we felt those cuts were deserved.

I certainly appreciate the Senator from Oklahoma coming to the floor wanting additional cuts. But $643 million is a pretty substantial walk away from what the President had originally requested for that agency.

My hope is that we can include—we will include—certainly I will be the chairman of the conference—we will include very strong and assertive language of the type the Senator is requiring of the Department of Energy. I would insist, as well, that the Department of Energy—all agencies—demonstrate efficiencies and conservation and the kinds of things that can and should be done to address the overusage of energy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would associate myself with the chairman's remarks and simply add a few more figures. In the energy efficiency and renewable account, we reduced funding for program direction by $85 million, and program support funding was reduced by $48 million. In the Office of Science, we have cut funding for field offices by $13 million and cut headquarters funding by $6 million. And the President's request for the personnel and program direction account we cut by $160 million.

So these are a little more granular than the overall figure the chairman mentioned. But I mention them to point out that we have indeed looked at each one of these individual items very carefully and produced the result the chairman described.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just make a comment.

I know the Senator feels strongly about contract reform, and on the two amendments in front of us, the Senator from Oklahoma talked a lot about earmarks. But, of course, he is well aware that his amendment deals with far more than just earmarks. The issue of formula awards to State and local governments which are carried in this legislation, the issue of competitive grants, the contract competition model that the Senator seems to suggest the Senator believes is appropriate for the competition and research and development, many of which are very exotic and interesting and cutting-edge, world-class research projects in the Department of Energy—I do not know that—I guess the people who do know suggest that the contract competition model for some of those kinds of things does not work very well because you are looking at things that go well beyond just who is going to bid the lowest on the kind of research and very high-tech, exotic research we are doing in a wide range of energy fields.

I generally have always supported contract competition. There is nobody who has been tougher on the Department of Defense, for example, on some of these contracts, particularly no-bid contracts to those who are contracting in Iraq. Next Monday will be my 20th hearing on issues like that. I strongly support competition in contracting.

I think this amendment that has been offered is not an amendment that very well fits this bill and addresses, in a very broad-stroke way, some things that should not be addressed that way. So that is the reason I have offered an alternative to it. My hope is that the Senate will agree with the alternative.

I might say, I believe this exact debate was held 2 weeks ago on the Homeland Security bill and has already been resolved by the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I enjoy my debates with the appropriators. I love you guys. I think it is great.

The one thing that was not mentioned is that in the stimulus bill the Department of Energy got an additional billion dollars. So there has been no net cut. There has actually been a massive increase in the Department of Energy when you count the stimulus bill.

No. 2 is, you have ramped up the FEMP the Federal Energy Management Program, by 50 percent, going from $22 million to $33 million, the very program that they are enforcing on everybody else. Yet they won't comply with it.

I also would say the Senate is going to get to decide this every time we have an appropriations bill as far as transparency in contracting. I may get smarter at the way I write it, but the American people deserve to have great value.

If you want to change the contracting law to say there are certain times we shouldn't do that in terms of highly specific scientific things, that is fine with me; but the fact is billions and billions and billions of dollars are well placed directly to businesses in this country at higher rates than they would have been otherwise had we had competitive bidding and open contracting. Nobody can deny that fact. Nobody can deny that fact. I am talking about all across the government.

So we are going to get a vote on competitive bidding on every appropriations bill that comes before the Senate. The American people get it. It is a great defense you are offering, but it isn't going to pass the smell test with the American people. They deserve the best value they can get on every penny we spend of their money, not our money.

I understand we think we have decided it. We are going to keep voting it; we are going to keep voting against it, and we are going to keep telling the American people we are still going to connect up with our buddies, we are still going to make sure these people who are well heeled and well connected are going to get the contracts.

I will grant to the chairman there are certain things that should be outside of this that are highly scientific, that are limited to very few potential bidders, and maybe even only one. But, remember, we have FutureGen going in Chicago now, a $2 billion earmark that is going to be a $4 billion earmark that is going to be a $6 billion earmark that we said only one person can do, and MIT says nobody can do it because the technology isn't finished. We have that going. That is a Department of Energy earmark. So it is not just hundreds of thousands of dollars; it is billions and billions and billions of dollars.

America should hear that what we are going to see is we have all the reasons in the world why we are not going to be competitively bid. We are going to give you all the reasons why we are not going to be efficient with your dollars, why now is not the time, why we shouldn't do this now. But the fact is that while we shouldn't be doing it, we are cutting the legs off of our children and grandchildren.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Oklahoma is not going to win a debate we are not having.

I agree with most of what the Senator from Oklahoma said. I support contract—but the Senator from Oklahoma himself suggested maybe we should have a different model for the highly exotic research contracts. By the way, they are not just a few. You go to the labs and take a look at the contracts that are going on around the country in very exotic, high-tech research; cutting-edge, world-class research. If, in fact, there should be perhaps a different model for that, it is not in this amendment. That is my point.

I would be happy to sit down with the Senator from Oklahoma to bring an amendment to the floor that does address things in the right way, but to bring an amendment to the floor that has a very broad brush that covers everything when the Senator himself acknowledges that probably something other than that should be done with respect to these kinds of exotic research programs—he didn't respond to the issue of State formula grants and so on—but again, we are not having a debate about the merits of what you aspire to achieve.

I want us to have contracting rules that give the American people the best value for their dollar, that advance this country in the most significant, capable way. We want the same things. But my point is, when one offers an amendment such as this that says, All right, do it all this way, and even—I would say to the Senator from Oklahoma, even the Senator acknowledges there are areas that perhaps shouldn't be handled that way. So let's do it in a way that resolves it in the right way.

I know he is frustrated that we likely won't pass this amendment, but if he is going to bring it up time and time again, the next time or the time after, let's do it in a way that gets closer to that which we believe will address all of these issues the right way for the American taxpayer, and I will be on his side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I say to both the chairman and the Senator from Oklahoma, if there is going to be a meeting to try to write this in the proper way, I want to be a part of it, because I agree absolutely with the effort the Senator is making.

But the Senator from Oklahoma made one reference to efficiency. He said we want a bidding process that is efficient. I want to step out for a moment from the scientific debate into another circumstance that has to do with this bill, that has to do with my own State that I can give an exact example for.

We have a cleanup program in southern Utah dealing with the cleanup of an old uranium plant. The tailings from that plant are right next to the Colorado River, and the fear is that the leaching from the tailings of that plant is going into the Colorado River, not only threatening the fish but the population downstream, downstream States, and the country of Mexico, and significant problems. All right. A contractor was necessary to clean up the tailings pile and there was competitive bidding that went on and the contractor was chosen and is now involved in a very significant, multimillion-dollar cleanup program.

As I understand the language of the amendment of the Senator from Oklahoma, because we are appropriating more money for that cleanup program in this bill, we need another competitive bidding proceeding to see if that is the right contractor. This is a contractor who is looking at 10 years, 12 years for the contract, and every time a new appropriation is necessary in each bill. It would seem to me it makes sense that once we have picked the contractor through competitive bidding, there does not have to be a competitive bid every year to see whether another contractor can now move in, take over, and make this work. It is possible we could. It is possible that this first contractor might be running up costs in fashions he shouldn't be doing and there should be a review. But I agree with the Senator from North Dakota that this is too much of a broad brush in that kind of area.

I was involved as a freshman Senator with respect to concessions at national parks, and I angered the ranking member of that committee when I sided with some other Senators in the majority—the Democrats at the time—to change the rules with respect to concessions in national parks because I said this is a rigged bidding situation where the incumbent contractor is always going to be taken care of. We finally got that done.

I am completely in sympathy with what is trying to be done here, but I discovered in going through that process—the same general idea, different set of facts—that it is more difficult than it looks on the surface. That is why I am supporting the chairman in the amendment he is offering. But if there is going to be a discussion of how this gets more efficient in the pattern in which it is written, I want to be a part of that, because I am completely sympathetic to the effort of trying to see to it that we have open contracting wherever it makes sense.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The Senator from Utah mischaracterizes both the intent and the function of the amendment. If something is already contracted that has already been appropriated for, it won't be affected. It is new contracts and new bids. That is the intent.

The reason I come with this is because nothing ever changes here. If, in fact, we pass my amendment, you know what. We will have to change the contracting. How do we change contracting with everything that is coming across the floor? How do we get it through committee? We will never move it until we are forced to move it.

That is why this amendment is written this way, because all of us know the great deal of difficulty to get anything done in this body.

So if, in fact—we are going to do three bills in the next 2 weeks: one on the transportation trust fund, one on unemployment insurance, and one on HUD that has to be done. They will get done. So the reason it is written this way is because it will have to get done and we will do it. We will never get it done the other way, and both of my colleagues recognize that there is truth in that statement.

I am going to insist we have a vote on the amendment. I thank the chairman and ranking member for their debate. I remind the American people that there is always an excuse in Washington not to have transparency, not to be efficient, and not to be effective. We will always find a way not to get good value for your money.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, without prolonging this debate, let me say to the Senator from Oklahoma there are other ways to get things done as well. I mean, look, some of the most significant contracts that have gone out of this town recently in the last 10 years or so—the LOGCAP contract which provides services by contractors in Iraq—sole-source contract, billions and billions and billions of dollars—most of it went to Halliburton and KBR, by the way; not all of it but the fact is massive amounts of money.

I have held 20 hearings as of Monday on these issues. You know what. Finally, they are bidding all of those contracts. Finally, they are bidding them. When you hold up some of the abuses, you can actually require change, in my judgment. Yesterday the inspector general said those who were providing electrical services to the military bases in Iraq were responsible for the electrocution of soldiers because they were hiring third-country nationals who didn't know how to ground electrical wires, didn't know how to speak English. You know what. Those contracts are now going in other directions. There was a contract to provide water to military bases and the nonpotable water was more contaminated than raw water from the Euphrates River, paid for by our taxpayers to contractors who didn't have the foggiest idea what they were doing and got billions of dollars of contracts they didn't have to bid on.

The fact is this sort of thing is despicable and needs to change. I take no backseat to any Member of the Senate about trying to change these things. I have held 20 hearings on these contract issues in recent years. The Senator from Oklahoma comes and raises important questions, always. I understand that. My point to him was simple: This amendment, in my judgment, doesn't respond to all of the issues the Senator needs to respond to if the Senator is going to do an amendment that does reform contracting. I am very interested in working with him. He is on the right subject, in my judgment, just the wrong amendment.

I wanted to say, there are a lot of ways to change things. Yes, with an amendment here on the floor of the Senate; in committees; and I am sure the Senator from Oklahoma does that as well; pressing Federal agencies. You can get change by putting all of the spotlights on the same spot in a Federal agency to say, How do you justify this? We demand you change.

So there is a lot of good work that goes on by people who care about forcing change, and many of us have done it.

I wanted to say there are a lot of ways to do this and I encourage the Senator from Oklahoma to continue. I want to be a part of constructive change on contracting. I have been in the past and will be in the future.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. DORGAN. Mr. President, let me ask if the Senator would agree, if he would withhold—I believe the Senator from Missouri wishes to make a very brief statement and she may be offering an amendment—I don't know that she is going to require a vote on it—and then we could line up—I believe we will have three recorded votes.

Mr. COBURN. That will be fine with me.

Mr. DORGAN. If we could turn to the Senator from Missouri at this point and then we could line up three successive votes on the Coburn amendments, two by Senator COBURN and one by myself and Senator BENNETT.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank the Senator from North Dakota. I wish to agree with my friend, the Senator from Oklahoma, on his amendment on contracting competition. Maybe it is fitting that in the Energy bill, I am probably doing a Don Quixote here, tilting at a windmill.

I have learned during my time in the Senate that there are certain things that are very protected, and one of them is the earmarking process. I think most people would acknowledge that we have billions in noncompete contracts through earmarks, and they are not all for exotic research. Yes, we have noncompete contracts a lot of places and we should try to get rid of all of them, every last one of them. If it is exotic to research, then there are probably not going to be very many people who have bid on it.

So I don't agree with my friend from North Dakota on this issue of carving out earmarks as an area of noncompete. I think——

Mr. DORGAN. Mr. President, will the Senator yield?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The Senator is not describing my position. I did not suggest carving out earmarks. The Senator has not heard that this afternoon.

Mrs. MCCASKILL. I just listened to the debate.

Mr. DORGAN. You didn't hear that during the debate.

Mrs. MCCASKILL. Let me restate what I heard. I heard the Senator from Oklahoma wants to pass an amendment that would require competition for all of the earmarks in the bill. I think that is a good idea. I think competing for all earmarks is a good idea. I think it is not correct that the noncompetitive earmarks are all exotic research or any other kind of earmark that could lend itself to competition. I think there are many that could easily lend themselves to competition. I believe that once we get to competition, it is going to provide transparency the American people are aching for in this area of earmarking.

(Mr. BURRIS assumed the Chair.)

Mr. DORGAN. Will the Senator yield again?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The discussion wasn't just about earmarks. Perhaps it included them, but if the Senator is describing an amendment that only requires competition, or competitive bidding on earmarks, that is not the amendment.

Mrs. MCCASKILL. My discussion is about the noncompetitive earmarks. I think whatever amendment gets us to more competition, I am for it. I think there are way too many. I could not be a bigger fan of the Senator from North Dakota and what he has done on contracting relating to the war in Iraq. I followed those hearings before I came to the Senate, and I continue to follow them. He has been a groundbreaker in the area of wanting competition.

If you look at the billions of dollars that were wasted in the Iraq war over noncompete contracts, and if you look at the atrocities committed in the name of noncompetition which the Senator from North Dakota has exposed, he has been terrific on that. Some of us just disagree about whether earmarks should be competed. Although I try to agree on every bill that removes all earmarks, I generally don't go into and pick out an earmark to complain about. I generally don't vote for amendments that do, because in many ways I think the process of picking on one amendment here or there, or one earmark here and one earmark there can be as arbitrary as the process of earmarking sometimes appears to be. So I generally don't do that.

But in this instance, there is an earmark in the bill that I know a lot about. The Senator from North Dakota has done this because he believes very much in having another study on the Missouri River. We have been fighting over water in this country for as long as this country has been around. Water is very important in Missouri. Navigation of the Missouri River is incredibly important to our farmers and to our utility companies.

There was, in fact, a large study undertaken on the Missouri River that

was completed in 2004. It cost the taxpayers $35 million. It took 15 years to complete, and there were all kinds of lawsuits over it between the various States up and down the river. There were a couple of things that came out of the study. One of them was there was an agreement that began the Missouri Recovery and Implementation Committee. It is a committee that includes stakeholders from all along the river who meet several times a year to help develop a long-term management plan for the river. This process has recently begun. It hasn't even had time to work.

I feel strongly that repeating another study is unnecessary, when there is nothing that has dramatically changed since we spent the $35 million on the study done in 2004. And now we are going to begin another $25 million study by the same group, looking at the same issues. That, to me, is wasteful.

I think considering the fact that the Senator from North Dakota did participate aggressively in the long-term management proposal on the MRIC, Missouri Recovery and Implementation Committee, I hope we can give it time to work before we embark on another policy. I know there was a GAO study that talked about navigation, and I know that study showed there are less goods being shipped on the Missouri River. But that GAO study didn't take into account a couple of things. One was that the navigation season has been severely limited by the Corps. That drives away the shippers. The GAO study also didn't include the value of the goods shipped, the jobs associated with the shipments, or the impact on utilities.

We have, in fact, four powerplants located along the river that need the water in the Missouri River to cool their plants. I think this study is not going to end the fight over the river. I cannot fathom what a $35 million study failed to accomplish that a new $25 million study is now going to accomplish. This is a great example of studies to try to impact policy, so that you keep having continuous studies.

The amendment I have offered would remove the money for this study, because I think it is wasteful duplication, and I believe very strongly that, in fact, we should not be embarking on another one of these studies. It is wasteful and it is duplicative, and I want to continue to work with the Senator from North Dakota. Obviously, we don't see eye to eye on who should get all the water on the Missouri River. I look forward to working with him and, hopefully, as we move forward with the MRIC, we can have all the stakeholders at the table and continue to negotiate in a cost-effective way for the taxpayers that doesn't harm the State of North Dakota or any of the other States along the Missouri River.

I thank the Chair and I yield the floor.

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

Mr. DORGAN. Mr. President, the Senator from Missouri is an active, avid, and aggressive fighter for the interests of her State. I understand and recognize that. I would not expect anything else. But I will tell you a story about water and about the Missouri River. The Missouri River was a big old wild tangled river for a long time. It used to flood; it flooded a lot. In the spring, when the floods came from the river, it would devastate parts of my State, and South Dakota, and other States down South, and it would ruin the parks and flood them in St. Louis, MO, and so on. So some people came to North Dakota from the Federal Government and said: We would like to harness that Missouri River. They cannot play softball in the parks in St. Louis because of the flooding, and we would like to get the benefits of flood control. Our deal is this: If you will allow us, in the middle of North Dakota, to put in a flood that will come and stay forever—a big old flood, half a million acres of permanent flood, if you allow us to do that, we will allow you to have some benefits. We understand we are asking to flood your State in order to protect the downstream States. But if you allow us to do that, and if Montana and South Dakota will allow us to do that, we can put in these big old floods in the upstream States; and we understand there is a cost to you to have this flood, so we will let you move water around to benefit your State, and it will be good and you will appreciate it. The folks in my State, believing this was on the level, signed contracts and said that would be OK. They moved the Indians off the bottomland from reservations of the three affiliated tribes, and built the big old dam, and President Dwight Eisenhower came out to dedicate the dam. They backed up the water, and we have the half million acre flood. The Elbow Woods Indian Hospital is now under water, and has been for 50 years. So we have the flood that comes and stays.

The problem with the way the river is managed, after they built six mainstream dams, in order to harness the Missouri River, the way they manage it today is the way they planned to do it 60 years ago. They said we have a vision. We will be able to navigate the river down South with barges, and we will haul material on barges. What a great thing. Think of the value of having barge navigation on the downstream reaches of the Missouri River. Do you know what. There are days when—and I can get you reports—there is only one miserable boat floating in the downstream reaches of the Missouri. Yet we are furiously releasing water from the upstream dams to support one little old barge. By the way, that barge is hauling mostly sand and gravel, which is something of relatively low value. So we have this big fight about how the river should be managed.

In the old days, they predicted a lot of commercial value of barge traffic. But, in fact, that is not the case. The upstream value of recreation, tourism, and fishing is now almost 10 times the value of the downstream value of barge traffic. Yet the river is still managed for the minnow and not the whale, which is typical of the Corps of Engineers: Never change. Resist change. Never change, no matter what.

So they did an evaluation of the river, and all of the States, except Missouri—which was an outlier, and they wouldn't agree to anything—they did an evaluation, and finally a study was developed. That study had a lot more to do with the Endangered Species Act and managing those issues than for determining whether we are making the best use of the river system in our current management scheme.

The answer is that the current management scheme makes no sense at all. We are releasing the water in the middle of a drought, which we did, by the way. It is a river system that has a capacity of around a 55 million to 58 million acre-feet of water. It was down to, I think, 35 million acre-feet of water, and we were releasing water to float one boat. That is unbelievable to me.

Last year, I included funding for a study that will study the management of this river, what is appropriate and should be done, with some semblance of common sense here. I know people objected to doing that because the answer may well be an answer that moves away from what I have called a ''one State hog rule,'' meaning give us all you have when we need it, and keep it all when we don't want it. It is an interesting way to manage the river, but that is the way some States on the Missouri have suggested it be managed.

It is not fair to us. We are waiting, 60 years later, for all of the benefits promised us if we would allow a permanent flood to stay forever in the middle of our State. Our ancestors did that. They said we will sign up for that, but we got all of the costs and have not yet received the benefits.

With respect to the management of the Missouri River system, it is long past time that the river be managed with the recognition of its current use. When we are still releasing water for one little barge, on 1 day, on the lower reaches of the Missouri, somebody ought to have their head examined. We cannot examine their head, but we can examine the master manual. That is what we are going to do with this study.

I have so much more to say, but let me resist and defer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent that at 5:15 p.m.

today, the Senate proceed to vote in relation to the following amendments in the following order, with no amendments in order to any of the amendments covered in this agreement, with the time until then equally divided and controlled in the usual form; that after the first vote, the succeeding votes in the sequence be limited to 10 minutes each: Coburn amendment No. 1879, Dorgan amendment No. 1895—that is Dorgan-Bennett—and Coburn amendment No. 1884. Those three amendments are again No. 1879, No. 1895, and No. 1884.

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

Mr. DORGAN. Mr. President, Senator BENNETT and I have discussed—and I have also visited with the majority leader within the last hour—my hope that we will be able to go to third reading, with the consent of Senator BENNETT and the majority leader, following these votes and following a period in which we would gather together whatever remains. There are a few amendments that remain that we can clear. We have waited all day, and we waited all day yesterday. Senators have had plenty of opportunity, plenty of time, and their staffs have had plenty of notice, to come and offer amendments.

For the next hour, we will be here. We will have the vote at 5:15 p.m., and following that vote, it is my intention that we finish this bill very shortly following that vote by going to third reading. We don't want to preclude opportunities for people to offer amendments, but no one can hardly come to the Senate floor with a straight face and suggest they have been precluded from anything, given the fact that Senator BENNETT and I have been sitting here patiently for well over the past 2 days.

Again, with the cooperation of our colleagues and with the hard work of our staff and our colleagues, I think we can finish this bill this evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask that the time during which we are in the quorum call be equally divided between both sides.

Mr. BENNETT. Mr. President, I have no objection to that request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1891

Mr. KAUFMAN. Mr. President, I rise today to speak about an amendment Senator CARPER and I filed earlier today, amendment No. 1891. This is a simple amendment, and one I hope the Senate will support.

Our amendment addresses the Delaware River Deepening Project. This is a project to deepen the river's shipping channel from a depth of 40 feet to one of 45 feet in an effort to bring more commerce.

Twenty-nine miles of the shipping channel run through the State of Delaware on its way to the ports in Philadelphia and New Jersey.

Those of us with ties to the three States that are involved know the long history of this project. The project has had a lot of starts and stops over the years—that I won't go into now—and it was put on hold in 2002 before being restarted in 2007.

What our amendment does is prohibit the use of any funds from this bill on the portion of the deepening project that is within Delaware, until the State government issues the applicable permit.

This action is necessary for several reasons.

Earlier this month, the Delaware Department of Natural Resources and Environmental Control denied a permit for this project that had been pending for 8 years, since 2001.

During that time, the scope of the project had changed substantially, and the State was lacking current scientific data. The rejection of the old permit application, however, was made without prejudice, permitting the Corps to apply for a new permit.

Furthermore, the Army Corps has not yet provided the State with an updated and detailed Environmental Assessment of the deepening, nor has the State been given any detailed information regarding the placement of the dredged soils that will result from the project.

Finally, the Government Accountability Office is undertaking a reanalysis of the costs versus benefits of the deepening project. This analysis is due out at the end of this year.

These are important questions that the people of Delaware deserve to have answered and that is why we offered this amendment.

This amendment merely prohibits funding in the bill from being used to carry out this project within Delaware, until the State government has given its approval.

This will give DNREC the opportunity to do its job—and protect the river's environment. And it will give the State the ability to obtain information vital to the citizens of Delaware prior to any deepening being done in our own State.

I would hope all of my colleagues can understand and identify with this.

If it were their State, I suspect they would feel the same way.

Again, I hope the Senate will support the adoption of the amendment, which I will introduce later.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1879

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1879.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—35

Barrasso	Feingold	Martinez
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Nelson (NE)
Coburn	Hutchison	Risch
Corker	Inhofe	Sessions
Cornyn	Isakson	Snowe
Crapo	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	Lincoln	Wicker
Enzi	Lugar	

NAYS—62

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

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1879) was rejected.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

VOTE ON AMENDMENT NO. 1895

Mr. DORGAN. Mr. President, my understanding is, under the unanimous

consent agreement, the next vote is on amendment No. 1895.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—79

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

NAYS—18

Barrasso	DeMint	Johanns
Bunning	Ensign	Kyl
Burr	Enzi	McCain
Chambliss	Grassley	McCaskill
Coburn	Inhofe	Sessions
Cornyn	Isakson	Vitter

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1895) was agreed to.

VOTE ON AMENDMENT NO. 1884

Mr. DORGAN. Mr. President, under the previous unanimous consent agreement, amendment No. 1884 is next to be voted on.

I ask for the yeas and nays.

The PRESIDING OFFICER.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mrs. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 26, nays 71, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—26

Barrasso	DeMint	Kyl
Bunning	Ensign	Martinez
Burr	Enzi	McCain
Carper	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NAYS—71

Akaka	Gillibrand	Nelson (NE)
Alexander	Gregg	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Hatch	Reid
Bennet	Hutchison	Roberts
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Shelby
Brownback	Kohl	Snowe
Burris	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feinstein	Murkowski	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1884) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1864, AS MODIFIED

Mr. DORGAN. Mr. President, if I might have the attention of the Senate, I wish to make a unanimous consent request.

I ask unanimous consent that we proceed with one part of my unanimous consent request and that is Senator HUTCHISON's amendment she wishes to offer, which I believe will now be a voice vote. So I ask unanimous consent that she now be recognized to offer her amendment, No. 1864, as modified.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that amendment No. 1864 be called up and changed with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1864, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

At the apropriate place, insert the following:

Of the $85,000,000 provided under the wind energy subaccount under Energy Efficiency & Renewable Energy, up to $8,000,000 shall be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power protection.

Mrs. HUTCHISON. Mr. President, this is an amendment that basically is to fill a needed gap in wind energy research.

I ask unanimous consent to have printed in the RECORD letters of support from the National Renewable Energy Laboratory in Colorado; from Professor Daniel Kammen at the University of California, Berkeley; and from the American Wind Energy Association.

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

NATIONAL RENEWABLE ENERGY LABORATORY,
Golden, CO, February 25, 2009.

Re: National Research Wind Farm At Pantex, Research Initiation Partnership on 20% Wind by 2030: Overcoming the Challenges DOE/EERE FOA DE–PS36–09G099009.

DEAR PROPOSAL REVIEWERS: The recent DOE WHPT 20% workshop identified the operating environment within multiple array windfarms as the most probable source of premature turbine component failures and power underperformance. The need to evolve a more comprehensive physical understanding of the causal relationships between atmospheric inflow phenomena and windfarm interaction was identified as the key remaining science issue before new technology and microcimatology concerns could be addressed.

We have been briefed in detail on the plans of Texas Tech University and Pantex/NNSA for the funding, installation and operation of a research windfarm near Amarillo, Texas to help address this technology challenge. This facility will not only meet the requirements of the President's Executive Order 13423 for the DOE it will also serve as a publicly-accessible large-scale, windfarm research vehicle addressing the principal concerns of industry in advancing operation, performance and technology. This facility is a unique opportunity to address immediate science and technology gaps while helping achieve the nation's goal of attaining 20% of its electrical energy supply from renewables by 2030.

To initiate the research planning and utilization of this facility, Texas Tech has applied for a FOA award to plan for its utilization to meet the research needs of the US wind industry and allied stakeholders, Based on preliminary discussions, we are happy to provide support during these initial planning phases and estimate our level of effort at $50K per year for the first two years. Of course, a more detailed cost estimate will be

prepared with a successful award and with concurrence of our DOE sponsors.

We strongly support the establishment of this new research facility and are looking forward to our continued and long standing RD&D relationship with Texas Tech along with other national laboratories, industry and academic partners involved with this program.

If we can answer questions about the project or how it can meet the needs of the US wind industry, please do not hesitate to contact us.

Sincerely,

MICHAEL C. ROBINSON,
Acting Center Director,
NREL's National Wind Technology Center.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, CA, July 2, 2009.

Re National Wind Resource Center, managed by Texas Tech University and Wind Farm.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: The Renewable and Appropriate Energy Laboratory (RAEL) at the University of California, Berkeley, is a unique energy research, development, project implementation, and community outreach facility. RAEL focuses on designing, testing, and disseminating renewable and appropriate energy systems. The laboratory's mission is to help these technologies realize their full potential to contribute to environmentally sustainable development in both industrialized and developing nations while also addressing the cultural context and range of potential social impacts of any new technology or resource management system.

I am writing to support and recommend that the Department of Energy create a world-class research wind farm and National Wind Resource Center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. The National Wind Resource will include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation. RAEL's work on integrating low-carbon energy systems fits well with the mission of Texas Tech University's project and will make the efforts of both institutions stronger in their service of national clean energy independence.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel adjacent to the Pantex site. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. An important aspect of this project is the broad partnerships with other national laboratories, and academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I want to express my strong support for this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DANIEL M. KAMMEN.

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, July 16, 2009.

Re National Wind Resource Center, Managed by Texas Tech University.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: AWEA is a national trade association representing wind power project developers, equipment suppliers, services providers, parts manufacturers, utilities, researchers, and others involved in the wind industry—one of the world's fastest growing energy industries. In addition, AWEA represents hundreds of wind energy advocates from around the world. With over 2,000 members & advocates, the American Wind Energy Association (AWEA) is the hub of the wind energy industry. AWEA promotes wind energy as a clean source of electricity for consumers around the world.

I am writing to encourage the efforts of Texas Tech University to develop a world class research wind farm and national wind resource center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. Though the National Wind Resource Center will focus on a variety of issues, I understand the Center is specifically focusing on the resolution of key technological and research issues outlined by DOE. This proposed project is designed to include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. In addition to the partnerships noted above, I understand other national laboratories, along with academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I support this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DENISE BODE,
Chief Executive Office.

Mrs. HUTCHISON. Mr. President, I ask that we pass this amendment, which would require $8 million of the $85 million already in the bill for energy efficiency and renewable energy to be competitively awarded to universities for turbine equipment purchases to study turbine performance, because there is a lack of understanding about why wind farms are experiencing premature turbine component failures and power underperformance, and this is an area we need to address.

I ask my colleagues to support the acceptance of my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the amendment. I would defer to Senator BENNETT, but I believe it is agreed to by myself and Senator BENNETT.

Mr. BENNETT. Mr. President, I support the amendment and hope we will now vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1864), as modified, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1859, AS MODIFIED, 1867, AS MODIFIED, 1842, 1888, AS MODIFIED, 1891, AND 1892, EN BLOC

Mr. DORGAN. Mr. President, I think we are very close to final passage. We need to clear that, but Senator BENNETT and I wish to proceed to the amendments that have been cleared on both sides as part of the managers' package. They have been considered by both sides and agreed to.

I ask unanimous consent to bring up, en bloc, the following amendments: 1859, as modified, and I send the modifications to the desk; 1867, as modified, and I send those modifications to the desk; 1842; 1888, as modified, and I send the modifications to the desk; 1891; and 1892.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendments that I sent to the desk.

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

Mr. DORGAN. Mr. President, to clarify, I said 1892 as the last amendment.

Again, those amendments have been cleared on both sides, and I believe there is no further debate. I would yield to my colleague, Senator BENNETT, for his comments, and I would hope then for immediate consideration of the amendments.

Mr. BENNETT. Mr. President, I will confirm that the amendments have been cleared, and I appreciate the cooperative way in which the two staffs have been diligently doing this. We are glad, after the long period of wait, that we finally are hurrying up. The old army line ''hurry up and wait,'' we have turned it around: Wait, and now we have hurried up. So I am delighted we are moving.

Mr. DORGAN. Mr. President, I ask unanimous consent for the immediate consideration of the amendments I sent to the desk, en bloc.

The PRESIDING OFFICER. The amendments are pending, en bloc.

Mr. DORGAN. Mr. President, I ask unanimous consent that they be agreed to, en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1859, AS MODIFIED

(Purpose: To permit certain water transfers)

On page 33, between lines 13 and 14, insert the following:

SEC. ____. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended.

''(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor approved during a two-year period beginning on the date of enactment of this Act shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709), if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act).''; and (2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

AMENDMENT NO. 1867, AS MODIFIED

(Purpose: To clarify that the Secretary of Energy is required to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for certain loan guarantees)

On page 43, line 16, before the period, insert the following: '': *Provided further*, That, in administering amounts made available by prior Acts for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516)''.

AMENDMENT NO. 1842

(Purpose: To extend the period for offering certain leases for cabin sites at Fort Peck Lake, Montana)

On page 33, between lines 13 and 14, insert the following:

SEC. ____. Section 805(a)(2) of Public Law 106–541 (114 Stat. 2704) is amended by striking ''2010'' each place it appears and inserting ''2013''.

AMENDMENT NO. 1888, AS MODIFIED

(Purpose: To require the Secretary of the Army to conduct a study of the residual risks associated with the options relating to the project for permanent pumps and closure structures, Lake Pontchartrain, Louisiana)

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading ''General Projects'' in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term ''pumping station report'' means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as ''Option 1'', ''Option 2'', and ''Option 2a'', as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area;

(C) is most advantageous considering the engineering challenges and construction complexities of each option; and

(D) is most cost-effective.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with Section 2034 of the Water Resource Development Act of 2007, the Chief shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1); and

(II) a description of the findings of the independent external peer review carried out under subparagraph (A).

(III) a written response for any recommendations adopted or not adopted from the peer review.

(4) SUSPENSION OF CERTAIN ACTIVITIES.—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) FEASIBILITY REPORT.—Within 18 months of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) FUNDING.—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454).

AMENDMENT NO. 1891

(Purpose: To prevent Federal preemption of the planning processes of the State of Delaware regarding the Delaware River Main Channel Deepening Project)

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

AMENDMENT NO. 1892

(Purpose: To prohibit funds appropriated for the Strategic Petroleum Reserve from being made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran)

On page 63, after line 23, insert the following:

SEC. 312. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

AMENDMENT NO. 1859

Mrs. BOXER. Mr. President, I rise to discuss amendment No. 1859.

This amendment, cosponsored by Senator FEINSTEIN, would allow for critical water transfers to agricultural users in California's San Joaquin Valley.

Three years of below-average precipitation have restricted water supplies for much of California. Drought conditions have particularly affected agricultural communities in the San Joaquin Valley.

In Fresno County alone, the drought has impacted more than 450,000 acres of cropland, contributed to the loss of 3,265 jobs, and may jeopardize an additional 2,200 more jobs in the near future.

Some cities on the west side of the San Joaquin Valley are facing nearly 40 percent unemployment, and people wait in line for hours at food banks to secure basic staples to feed their families.

Working with many Members of California's House delegation, Senator FEINSTEIN and I have worked to identify solutions to the drought.

Senator DORGAN's subcommittee included funds in the underlying bill to expedite the timely evaluation of projects to improve operational flexibility of water management, such as the intertie between the Delta-Mendota Canal and the California Aqueduct, and ''Two Gates,'' the construction of two temporary gates in Old River and Connection Slough in the Sacramento-San Joaquin River Delta.

And Senator FEINSTEIN and I worked with the California delegation in the House to include language in their Energy and Water bill that would permanently allow voluntary water transfers among Central Valley Project contractors, providing operational flexibility to help get water to agricultural communities when they need it most.

The House provision would allow these transfers permanently—this is the outcome we want, and it is the outcome we will fight for in conference.

However, at this time we understand that allowing permanent water transfers is not an approach acceptable to the chairman of the Senate Energy Committee without first holding hearings on the subject.

I thank Senator BINGAMAN for working with us on an amendment that would allow Central Valley Project water transfers to occur for a 2-year period. This amendment ensures that the Senate is not silent, and instead is taking one step forward on this critical issue.

It is critical that we continue to work on solutions for farmers in California who have lost up to 90 percent of their expected water allocations this year.

These measures alone will not solve California's water crisis, but they are a good first step toward helping these communities as we develop long-term solutions to improve water management in California.

Mr. DORGAN. Mr. President, I believe we are again within minutes of being able to get to final passage. I make a point of order a quorum is not present.

The PRESIDING OFFICER. Does the Senator from North Dakota withhold his request?

Mr. DORGAN. I withhold my request.

Mrs. BOXER. Thank you so much. Mr. President, I wanted to take a minute, on behalf of myself and Senator FEINSTEIN, to thank the two managers. We had such an important amendment dealing with water transfers at a time of such severe drought, and both these managers have worked so hard with us to make sure we could get this done tonight.

Senator FEINSTEIN and I are very grateful. We had support in the community for this, across party lines, and it wound up that we had support across party lines here. So I wish to say to both managers, from the bottom of my heart, you are making a difference tonight. In some of these towns, we have a 40-percent unemployment rate because of the drought. So you are making a difference. We hope to get this into conference and to make this final.

So, again, my deepest thanks.

Mr. SPECTER. Mr. President, I seek recognition to briefly comment on two amendments that I filed to the fiscal year 2010 Energy and Water appropriations bill.

The first amendment deals with the Bloomsburg Flood Control Project. This project was authorized by Congress in the Water Resources Development Act of 2007 to protect the town of Bloomsburg from chronic flooding that has plagued it throughout its history. Bloomsburg has suffered 33 floods since 1990. The proposed floodwall will protect more than 400 homes, 7 businesses, and 1,200 people affected by flooding. The project was authorized at a total cost of $44.5 million. However, I am advised that the U.S. Army Corps of Engineers Interagency Performance Evaluation Task Force issued revised criteria for floodwalls which increase the project's cost. The amendment would raise the authorization amount to $65 million to account for this change and proceed with this important project to project the citizens of Bloomsburg.

The second amendment deals with the Scranton Flood Control Project. This project was initially authorized in 1992 and modified in 1996, and this amendment would further modify it so that the city of Scranton can proceed with downstream mitigation activities and construction of a recreational trail. The amendment also provides that the city shall receive credit against its nonFederal share for mitigation activities it already completed.

I urge my colleagues to adopt these amendments to improve flood protection in Pennsylvania.

Ms. SNOWE. Mr. President, I rise to speak regarding the Energy and Water Appropriations Act for fiscal year 2010 and voice my strong support for the inclusion of resources for the National Deepwater Offshore Research Center at the University of Maine, which Senator COLLINS and I jointly requested. In a time of economic distress, I believe it is even more important for Congress to focus on short-term relief as well as on a long-term comprehensive energy strategy that reduces America's dependence on foreign oil, creates jobs, embraces renewable and alternative sources of energy, and, most importantly, makes energy prices affordable for consumers.

Developing deep water offshore wind technology can transform the way we generate energy to power the planet, and Maine is uniquely poised to be a leader in this effort. In fact, within 50 miles of the coast of Maine lie wind resources that can generate the energy equivalent to approximately 40 nuclear powerplants. This is exactly the type of investment that our country must make, and I am pleased that this Appropriations bill includes $5 million for this critical research. Without question, as President Obama stated in his speech to Congress in February, the United States must not simply follow in the wake of other nations as they develop the new clean energy technologies of the 21st century and monopolize the jobs and financial rewards that will inevitably follow. But already countries such as China, Germany, South Korea, Norway, and Denmark are boldly adopting plans to develop these technologies: energy efficiency, solar, hybrid engines, and offshore wind. In fact, a Norwegian company is now moving forward with deployment of the first deepwater offshore floating turbine, which will be located in more than 328 feet of water. Clearly, our competitors are rapidly moving forward to position themselves at the forefront as we exit this economic morass. We must expand our research into offshore wind, and Maine is uniquely positioned to be successful in the U.S. development of offshore wind energy.

The oceanographic conditions in Maine's own State waters, within 3 miles of shore, provide excellent wind resources and water deep enough to deploy floating turbines. These are ideal

conditions for the installation, testing, and maintenance of deepwater offshore wind turbines. In fact, Maine is the only State on the east coast with the appropriate oceanographic and meteorological conditions for such testing inside State waters. Additionally, there has been strong support by both the Governor and the Maine Legislature in their commitment to developing and deploying this technology in Maine by passing legislation earlier this summer that will allow this research off our shores.

Considering that the majority of the U.S. population lives in coastal States, offshore wind energy could be a significant part of our Nation's energy future. The U.S. has nearly 2,500 gigawatts, GW, of offshore wind potential within 50 nautical miles, but more than half of this resource, about 1,500 GW, is in waters deeper than 200 feet. Unlocking this vast energy potential requires the development of next generation fixed foundation offshore wind turbine technologies, as well as testing of floating platform prototypes.

With 80 percent of homes using heating oil, Maine is extremely vulnerable to rising crude oil prices. By 2018, the cost of energy, the sum of gasoline plus heating oil plus electricity, could consume as much as 40 percent of the average Maine household's income. Maine has, however, abundant natural resources to generate clean renewable energy, particularly wind energy. In fact, the wind is so powerful off the coast of Maine, on average, a wind turbine in the gulf of Maine can generate twice the energy that the same turbine will generate in the Kansas-Texas wind corridor.

I would like my colleagues to be aware that the Department of Energy recently released a report, ''20 percent Wind Energy by 2030,'' which recommended seven key long-term offshore development research priorities, including the need to develop low-cost foundations, anchors, and moorings and increase the economic viability of large-scale, deepwater offshore wind turbines. The University of Maine is in a unique position to provide this critical research assistance. During the past several years, the University of Maine's Advanced Engineered Wood Composites, AEWC, Center has been solving challenges driven by the energy crisis, focusing on the vast potential of Maine's offshore wind resource and the need for expertise and innovation in advanced structures and noncorrosive composite materials to harness the wind resource in the gulf of Maine. In fact, this facility has also developed blades for wind turbines using composite materials that are stronger, lighter, and more durable than today's commercially available technology. The University of Maine is well poised, with the research and technology capabilities already in place, to ensure that offshore wind development becomes a success along the east coast.

The goal of the National Deepwater Offshore Wind Research Center would be to enable the design and testing of a large-scale, floating, offshore wind platform that could serve as the basis of a large-scale offshore wind industry. This would be an opportunity for Mainers to use their skills and experience, specifically in deep water relatively close to shore, to lead the Nation in developing a new source of clean and renewable energy.

Mr. ALEXANDER. Mr. President, I want to express my disappointment that the Energy-Water appropriations bill before us today does not fully fund the administration's request for its energy innovation hubs. As my colleagues know, I have a long history of support of federal investments in science and research, and in energy research in particular. I have called for a series of ''mini-Manhattan projects'' on seven clean energy grand challenges: improving batteries for plug-in vehicles, making solar power cost competitive, making carbon capture a reality, safely recycling used nuclear fuel, perfecting advanced biofuels, designing green buildings, and providing energy from nuclear fusion.

It should come as no surprise, therefore, that I am a strong supporter of the administration's proposed energy innovation hubs.

In testimony earlier this year, Energy Secretary Chu has indicated that these hubs are one of his top priorities and will focus on overcoming the most significant barriers to achieving national energy and climate goals.

The challenges the Secretary has asked these hubs to address are very similar to the grand challenges I outlined last year. I believe Congress and the Federal Government should tackle these seven grand scientific challenges during the next 5 years in order to put the United States firmly on the path toward clean energy independence within a generation. If we are to end our energy dependence and make renewable energy cost-competitive then we must double our investment in energy research and development.

I believe the administration's hubs are a firm commitment to put us on this path to energy independence.

I know the energy research community is eager to compete for this funding and to meet the challenges before our Nation. The passion and commitment of our researchers is palatable both at home in Tennessee and across the country. In fact, my home State boasts some of the finest energy researchers in the country at Oak Ridge National Laboratory as well as research institutions such as Vanderbilt and the University of Tennessee. At these institutions and similar institutions across the country, researchers are eager to make progress on these pressing issues to improve the lives of their fellow citizens and solve some of our greatest energy challenges. It is our obligation to ensure that they have the full backing and support of the U.S. Government, which means funding these energy innovation hubs.

These multidisciplinary research hubs will harness the best and brightest researchers at our universities and national labs as well as in industry. Each one could very well become a world-class research facility in its given program of focus. They are conceived as highly collaborative, integrated centers of innovative thinking that will focus teams of researchers from multiple institutions on developing novel ideas to overcome major scientific and technological barriers. Their efforts will complement—not duplicate—other DOE programs such as the Energy Frontier Research Centers, EFRCs and the Advanced Projects Agency for Energy, ARPA-E, differing from these programs in their larger scale, their duration, and their breadth spanning basic and applied science as well as limited technological development efforts. Moreover, the hubs are designed so as to permit flexibility and to allow for the quick reallocation of funding within each topic area to pursue new research opportunities or alternatives quickly, as they emerge—without the delays that may impede other government programs.

I recognize that the Department may not have had all the details fleshed out when they initially presented the hubs to the Congress. Despite its best efforts, the Department is not yet operating with a full staff—although I hope this situation is improving daily. But my colleagues are right to ask for a fuller explanation of this concept and its role in the greater Federal research enterprise. The funding level requested is not insignificant and deserves careful scrutiny. So I am pleased to report that additional details have now been submitted which address many of the very valid questions and concerns my colleagues have raised. I hope that this additional information will permit us to move forward with full funding for all eight hubs.

Mr. NELSON of Florida. Mr. President, first, I would like to recognize the efforts of the Appropriations Committee and Chairman INOUYE and Ranking Member COCHRAN and the chair and ranking member of the Energy and Water Subcommittee, Chairman DORGAN and Ranking Member BENNETT. These leaders have a hard job to balance the many interests involved in their vital legislation.

I would like to focus on the decision of the Senate Appropriations Committee to ban new Army Corps of Engineer projects from being receiving funding in this bill.

I want to make a point that, when it comes to the Comprehensive Everglades Restoration Plan, CERP, a strong case can be made that the two authorized projects that this legislation does not fund are not new starts.

I am speaking of the Indian River Lagoon project and the Site One Impoundment project, both of which have been duly authorized by Congress. They are elements of the CERP that was authorized by the Water Resources

Development Act of 2000. At the time of its authorization, CERP was a plan that envisioned over 60 separate modifications to the old Central and Southern Florida Flood Control Project, C&SF Project. It is clear to me that CERP is an extension of the old Central and Southern Florida Flood Control Project, C&SF Project.

The disastrous flood of 1947, which followed a severe drought in 1945, and the serious intrusion of saltwater gave rise to a demand for a new and effective water management system. In response to public demand, the Army Corps of Engineers Jacksonville District conducted public hearings throughout South Florida to collect information on how best to revamp the water management system. A comprehensive report was prepared by the Corps and submitted to Corps headquarters in December of 1947.

The report cited the problems of flood protection, drainage, and water control and determined that the St. Johns, Kissimmee, Lake Okeechobee, Caloosahatchee, and Everglades drainage areas composed a single system and economic unit. The report included a plan to deal with the problems of water management. This plan became the Central and Southern Florida Flood Control Project, C&SF Project.

The C&SF project was approved by Congress as a part of the Flood Control Act of 1948. The stated goal of the plan was to ''restore the natural balance between soil and water in this area insofar as possible by establishing protective works, controls, and procedures for conservation and use of water and land.'' But this project worked too well and caused far-reaching and devastating environmental impacts.

In response, Congress directed a Restudy to modify the C&SF Project and to restore the Everglades and Florida Bay ecosystems while providing for the other water-related needs of the region. The Restudy developed the Comprehensive Everglades Restoration Plan, CERP, that was submitted to Congress and authorized in the Water Resources Development Act of 2000.

This chain of events shows that indeed CERP and its individual units are part of the C&SF Project that has received hundreds of millions of dollars in Federal funding over the years. The Corps fiscal year 2009 budget request document states: ''The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP).''

The language of WRDA 2007 includes the term ''Central and Southern Florida'' when describing the Indian River Lagoon, Picayune Strand, and Site One Impoundment projects. These projects are a modification of an existing project that remains under construction.

In its fact sheet for the fiscal year 2009 budget, the Corps states the following: ''The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP)''

I also would note that in the Secretary of the Army's Annual Report for fiscal year 2007 on Civil Works Activities the following appears in paragraph 76: ''CENTRAL AND SOUTHERN FLORIDA, INCLUDING COMPREHENSIVE EVERGLADES RESTORATION PLAN''

I think it is clear that we do not have a situation of separate projects involved in CERP. CERP is a unified and comprehensive continuation of the old Central and Southern Project.

Senator MARTINEZ and I have filed amendments to put the projects back in the bill. The Florida Congressional delegation made sure the projects were fully funded and included in the House-passed bill.

Therefore, when the legislation goes to conference, I urge the leaders of the full committee and the subcommittee to consider this unique situation involving these two components of the CERP—the Indian River Lagoon and the Site One Impoundment projects. I respectfully ask them to keep an open mind on this issue in conference and would further add the House version of the legislation would fund those projects.

Now may I say a few words about these projects.

Mr. President, I grew up on the Indian River Lagoon. It is a wonderfully diverse area. The St. Lucie River and the Indian River Lagoon are periodically devastated by discharges from Lake Okeechobee and the areas surrounding the estuaries. The local citizens of Martin County have assessed themselves to raise money to buy land to be restored and used for reservoirs for the project. So far they have spent some $50 million. They have done their part.

The Site One Impoundment project will save water from being discharged to sea and use it to benefit the Loxahatchee National Wildlife Refuge and provide benefits, including improved water quality, to downstream estuaries. It will also improve water flow into the Everglades, protect local water supplies, and provide environmental benefits to Water Conservation Areas.

These projects are vital to restoring America's Everglades. I again urge the leaders of the Committee to consider these facts in conference.

Mr. DURBIN. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill provides important funding for the Department of Energy, the U.S. Army Corps of Engineers, and other agencies.

This bill starts to make good on our efforts to develop new sources of energy—clean energy, that creates jobs and cuts back on greenhouse gas emissions.

The bill would provide $2.23 billion for the Department of Energy's energy efficiency and renewable energy programs.

For many families in Illinois and across the Nation, energy costs are a big part of the budget.

Adding insulation, sealing leaks, or upgrading the furnace can help families cut their energy bills by 30 percent—sometimes more.

The weatherization program at the Department of Energy has helped more than 6 million low-income households seal up their homes.

But many more families are eligible for this help. The President has set a goal of weatherizing 1 million American homes annually.

This bill includes $200 million to help meet that target.

This bill also puts $200 million into R&D to produce buildings that produce as much energy as they consume.

And another $50 million is included for the State Energy Program to help States adopt new energy efficiency and renewable energy technologies.

The bill increases funding for research and development on clean energy technologies to power our cars, homes, and businesses.

One of the most promising areas is the $235 million dedicated to developing electricity and high-performance fuels from agricultural and forestry residues, municipal solid waste, industrial waste, crops, and algae.

These homegrown energy sources could help us reduce carbon emissions, and the research on these fuels is creating economic opportunities in Illinois and across the country.

And to bring alternative energies mainstream, the bill provides $255 million for R&D on solar energy, $85 million for wind; $50 million for geothermal; and $60 million for water power energy.

To make use of all this new power, we need to overhaul the Nation's electric grid.

We need new transmission lines to transport energy from wind farms to population centers. We need more research on energy storage so that electricity will be available when it is needed, not just when the Sun shines or the wind blows.

The American Recovery and Reinvestment Act took a giant step toward modernizing the electric grid and integrating renewable energy sources.

This appropriations bill builds on that effort, with $180 million to make the grid more modern, reliable and secure.

America gets more than half its electricity from coal. We have over 600 coal-based power plants—along with many thousands of power and industrial facilities—that all contribute to greenhouse gas emissions.

Most of these facilities will remain in service for 10 to 30 years to meet our energy demands, and new facilities will be constructed.

That is a reality. So we have to pursue research and development into how we can use fossil energy in a cleaner way.

Funding programs within the Department of Energy's Office of Fossil Energy will allow us to accelerate fossil energy research.

The investments made in this bill will help us shift to a clean energy

economy, strengthen our national security against the threats that energy dependence creates, and protect the environment.

The Department of Energy is the largest source of Federal funding for basic physical science research in the United States.

The bill increases funding for the Department's Office of Science to $4.899 billion. This funding will support the good work undertaken at Argonne and Fermi National Laboratories in Illinois, as well as research at laboratories and universities across the Nation.

This bill provides $5.125 billion for the Army Corps of Engineers.

The Corps provides quality, responsive engineering services to the country. The Corps provides planning, designing, building and operating water resources. It also designs and manages the construction of military facilities for the Army and Air Force.

Every year, the Corps carries out a variety of projects through its Civil Works Program, from environmental protection and restoration to controlling flood damage.

Traveling through my State of Illinois, the work of the Corps is evident. The best place to start is the shores of beautiful Lake Michigan.

For the past decade, the Corps has worked with the Chicago Park District to rebuild the deteriorating shoreline and protect millions of dollars of property, and water supplies.

The Corps has also been working in Chicago's western suburbs to address regular flooding in Des Plaines and surrounding communities. These flood control efforts will provide safety and peace of mind for thousands of property owners in affected areas.

On the western edge of the State is the mighty Mississippi River. The Rock Island and St Louis Corps districts ensure a majority of the Illinois portion of the river is navigable. Barges travel the length of the Mississippi, which provide an important transportation option for our agricultural producers.

It is difficult to overstate the importance of the Corps when considering the disaster preparedness and response efforts during the historic floods of 2008. I joined sandbagging efforts in communities that were fighting rising floodwaters, and civilian and military Corps employees were providing supplies and guidance on how to prepare for the rising waters.

The Corps' mission didn't end with the flood they have worked with the State of Illinois and FEMA to help communities recover.

The Mississippi flows south to St. Louis and my birthplace, East St. Louis. These communities are protected by several levees built and maintained by the Corps of Engineers.

In central and southern Illinois, Lake Shelbyville and Carlyle and Rend Lakes are beautiful recreational areas maintained by the Corps.

In addition to providing flood control, these areas allow for boating, camping and other activities for Illinoisans and others visiting my State. The communities around these lakes benefit as well the recreation areas boost the local economies.

In recent years, the Corps has taken a more active approach to environmental protection and restoration.

These efforts should be encouraged. The Federal Government needs to continue its investment in these areas.

Restoring wetlands can help reduce the incidence of flooding, and we need to understand that the development of acreage upstream can have significant negative impacts downstream.

The Corps' work in this area can be seen at Emiquon Refuge in Central Illinois. Since its establishment in 1993, the major habitat management efforts on Emiquon Refuge have been the restoration of the historic Illinois River floodplain and associated wildlife communities.

Through restoration of altered habitats and protection of existing areas, Emiquon Refuge will be managed to provide the diversity of native plant and animal communities found in this area prior to drainage and conversion to cropland.

I would like to thank Senator DORGAN and Senator BENNETT for their hard work on this bill. They had many competing interests to consider, but the bill we are considering today is balanced. I hope the Senate can complete work on the fiscal year 2010 Energy and Water appropriations bill in a timely manner.

Mr. AKAKA. Mr. President, I support the Energy and Water Development Appropriations Act for fiscal year 2010. This bill provides critical investments that will support the development of clean and alternative energy and utilization of domestic energy resources. Further, this legislation provides much needed resources to improve our Nation's water infrastructure.

This bill fosters American innovation in clean energy and energy efficiency. It supports worthy programs that further hydrogen, wind, hydropower, and solar technologies, as well as weatherization assistance for families and programs for building and industrial technologies. These programs better our Nation's security and economy by putting people to work advancing energy independence and sustainability.

I am very pleased that working with the senior Senator from Hawaii, we were able to include $6 million in this legislation for the Hawaii Energy Sustainability Program at the University of Hawaii's Hawaii Natural Energy Institute. This funding will allow for the continuation of the program's important work supporting increased use of clean, safe sources of energy. We must continue to invest in the development and implementation of systems to allow for a transition away from foreign oil. As Hawaii relies on imported oil for about 90 percent of its energy needs, work to facilitate this transition is critical to the State's energy security. Moreover, the Hawaii Energy Sustainability Program will provide economic development benefits and will further research valuable in applications both in Hawaii and nationwide.

This bill will also help address water infrastructure needs around the country. Provisions contained within the bill permit the U.S. Army Corps of Engineers to conduct essential navigation, flood control, and environmental restoration projects. Such projects are particularly important for Hawaii, given our remote geography and our interconnected and diverse ecosystems. I appreciate the inclusion of nearly $14 million for Hawaii water development and infrastructure projects.

As Hawaii is susceptible to threats from severe weather and flooding, I was proud the bill contained specific provisions addressing this need. Working with Senator INOUYE, $1 million was included to assist the State of Hawaii and Pacific Territories with updating and preparing comprehensive flood plans. Also, much needed funding for the Ala Wai Canal and Waiakea-Palai Stream flood damage reduction projects is included in the legislaiton. On Oahu, accumulation of silt and debris from the Manoa, Palolo, and Makiki streams has significantly reduced the carrying capacity of the Ala Wai Canal. Funding of $233,000 has been provided to complete necessary studies that will mitigate and reduce flooding threats to property and roads in the Waikiki and neighboring areas, while ensuring public safety and enhancing human and environmental health. Given the damage to roads, residences, bridges, drainage systems, and personal property over the years due to the flooding of Waiakea and Palai Streams, $300,000 has been included to initiate the Precontruction Engineering and Design phase needed to minimize flooding in the affected communities.

We know from experience that investment in wise stewardship and management at a watershed level will have a significant positive impact on numerous natural resources. For the island of Maui, I was involved in securing $100,000 for the West Maui Watershed to initiate a study that may ultimately result in additional watershed improvements. A completed reconnaissance study for the area has already identified flood damage reduction, aquatic and marine ecosystem restoration, and shoreline protection projects that could be undertaken by the Corps of Engineers along with county and State agency partners.

Further, recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to include $500,000 for a regional sediment management demonstration program to better understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. These

resources will assist in protecting communities from severe weather and further conservation efforts in coastal communities.

I am encouraged by the inclusion of provisions that will invest in our science and technology sectors and enhance U.S. competitiveness. It is vital that we support the research and development of sustainable and clean energy technologies. Such efforts empower us as a country to reduce our reliability on foreign oil and strengthen our ability to meet our energy needs domestically.

In conclusion, I thank the senior Senator from Hawaii, chairman of the Appropriations Committee, as well as the chairman and ranking member of the Senate Appropriations Energy and Water Development Subcommittee for their efforts in developing and managing this bill through the legislative process.

Mrs. BOXER. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill would provide $629,000 for Yazoo Basin—Yazoo Backwater, MS. I want to clarify that nothing in the language is intended to: (1) override or otherwise affect the final determination that was effective August 31, 2008, and published in the Federal Register on September 19, 2008, of the U.S. Environmental Protection Agency under section 404(c) of the Clean Water Act that prohibits the use of wetlands and other waters of the United States in Issaquena County, MS, as a disposal site for the discharge of dredged or fill material for the construction of the proposed Yazoo Backwater Area Pumps Project, (2) create or imply any exception with respect to the project to the requirements of the Clean Water Act, including any exceptions from the prohibitions and regulatory requirements of the Clean Water Act under section 404(r); or (3) affect the application of any other environmental laws with respect to the project.

As chairman of the committee with jurisdiction over the Clean Water Act and authorizations for the civil works program of the Corps of Engineers, I believe it is critical that our environmental laws be adhered to in the planning, construction, and operation and maintenance of all Corps of Engineers projects.

Mr. REID. Mr. President, I am pleased that the Senate has included my amendment to allocate $75.7 million in Desert Terminal Lakes funding as part of the Energy and Water Development Appropriations Act, 2010. The legislation builds on the many projects and research to benefit all of Nevada's desert terminal lakes—Walker, Pyramid, and Summit. I appreciate Senator ENSIGN's cosponsorship of the amendment.

Briefly, the legislation allocated $8.5 million for continued work in the Truckee River Basin. The bill provides $1.5 million to help the city of Fernley and the Pyramid Lake Paiutes continue their efforts towards accomplishing their mutually beneficial goals of securing a municipal water source and protecting a renowned resource, Pyramid Lake. The bill also helps the States of Nevada and California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal watermaster implement the Truckee Settlement Act and the Truckee River Operating Agreement. I am committed to seeing the full implementation of the Operating Agreement, and my legislation supports this effort.

But I rise today primarily to discuss this legislation's $67.2 million allocation for work in the Walker River Basin.

Over the years, money that I have secured for work in the Walker River Basin has created jobs and other opportunities for Nevadans.

For example, this funding has resulted in world-class research completed by some of Nevada's best faculty and researchers at the University of Nevada, Reno, and the Desert Research Institute. A resulting publication and international conference on desert terminal lakes will feature their work.

The Walker River Paiute Tribe has accessed funds to implement a 5-year water leasing program for its farmers, develop efforts to strengthen a fishery at Walker Lake, and work on efforts to combat invasive species along the stretch of the Walker River that runs through their reservation and to Walker Lake. Working with the tribe and others, the U.S. Fish and Wildlife Service and other Federal agencies have been able to develop long-term plans to strengthen the presence of Lahontan cutthroat trout at Walker Lake, one of Nevada's most interesting and threatened treasures, and improving the Walker River riparian habitat. Funding is also being used to increase the instream flow of the Walker Rivers that end in Walker Lake.

But today's legislation is different. I believe it marks a new chapter of collaborative efforts in the Walker River Basin.

The legislation brings new partners to develop solutions to address competing water uses in the Walker River Basin.

Working with local partners, the National Fish and Wildlife Foundation will coordinate the Walker Basin Restoration Program, a program that includes a water rights acquisitions program, a demonstration water leasing program, various conservation and stewardship activities, and an alternative agriculture project.

Of particular importance to their efforts, the foundation brings the necessary expertise to complete complex water transactions in a way that preserves and protects the Walker River watershed. Working in the Columbia River Basin, the foundation has the experience of working with Federal and State agencies, tribes, municipalities, irrigation districts, and individual farmers and ranchers to bring about creative, business-wise, and responsible solutions to balance the many demands on water uses—for agriculture, for municipal use, and for fishing and recreation. I am pleased with their commitment to work with Federal and State agencies in Nevada, Mineral and Lyon Counties, the Walker River Irrigation District, the Walker River Paiute Tribe, and many individuals in Smith and Mason Valley and to develop a local entity to guide their efforts in the basin.

In addition, the Walker River Irrigation District has accepted a leadership role in finding a cost-effective way to increase in-stream flows in the Walker River while preserving agriculture interests. The district has agreed to administer and manage a $25 million, 3-year demonstration leasing program that will help get water to Walker Lake while providing farmers an additional opportunity to strengthen their operations. I appreciate the years of negotiations and conversations that has led to the district taking on this important program, and I hope that it is successful in achieving its purpose.

I support the agricultural communities in northern Nevada, and I have pushed for this demonstration leasing program and $200,000 for alternative crops and agriculture cooperatives. Providing farmers and ranchers with more resources to manage their businesses and opportunities to explore new markets will stimulate the agriculture economy in Lyon County, NV, and maintain the agricultural setting and livelihood enjoyed by generations of Nevadans.

Throughout the years, I have stated that I would work to assure the viability of agriculture in Smith and Mason Valleys. This legislation does this—by providing Nevada's hard-working farmers with more tools to make good business decisions.

While helping farmers and dedicating water rights for the benefit of Walker Lake is part of a solution to restore and maintain Walker Lake; the other part requires coordinated conservation and stewardship activities. This bill supports the National Fish and Wildlife Foundation's efforts to coordinate watershed planning, water management, and habitat restoration efforts, among other activities. It supports efforts by the U.S. Geological Survey to work with other agencies and interested entities to develop a water monitoring plan in the Walker River Basin. Of course, with this data and through other efforts, the University and Desert Research Institute will be able to assess whether these activities are successful in improving instream flows and getting water to Walker Lake.

The health of the Walker River Basin and Walker Lake depends on people working together—the Federal, State and local governments and agencies; the tribe; the Irrigation District; the National Fish and Wildlife Foundation, and others. This legislation reflects the

many ways farmers, ranchers, sports men and women, and agencies can participate in this effort. The millions that will be spent in the Walker Basin—through the water leasing demonstration program, additional alternative agriculture programs, additional water acquisition funds, and broader conservation opportunities—means that willing and interested people can choose ways to participate in a solution for the basin that best serves their business, personal and community's interests.

After my years of working on efforts in the Walker River Basin, I am hopeful that this legislation will help communities work together to protect what is important to all Nevadans—preserve our unique natural resources enjoyed by sportsmen and the right of individuals and communities to choose the what will make our businesses successful, our local economies more diverse, and our resources more attractive to the public.

This is an opportunity to make significant progress in the Walker River Basin, and I am committed to seeing these Desert Terminal Lakes funding priorities signed into law by the President.

Mr. DORGAN. Mr. President, I wanted in these moments to say a special thank you to Senator BENNETT and the staff on the minority side and majority side who put this bill together and worked with us. This is a bill that funds the energy programs and water in this country. It is a bill that is very important. It has taken us a while on the floor to get it done.

I believe we have two amendments also remaining that we are trying to clear. We hope to clear those by voice vote momentarily. Then we will go to final passage. Hopefully we will get clearance to do that so we could be done in 10 or 15 minutes. It has been a long saga on the floor of the Senate here on this bill for the last several days, but I think the work is valuable and important and useful for the country. It is a good investment in our future.

As I said when we started this process, Senator BENNETT is a great Senator to work with, a great Senator to partner with on some very important issues. He and his staff have done a great job, as has the staff on the majority side, putting this bill together. I am going to include all their names in the RECORD. I included most of their names at the start of this discussion a couple of days ago, but I want recognition paid to the people who spent time to put this bill together.

I want to alert colleagues I hope within a matter of 5 or 10 minutes to be able to do the two amendments remaining by voice and then go to final passage.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the chairman for his kind words and echo his comments about the staff and the hard work they have done. We are grateful to Doug Clapp and Barry Gaffney, Roger Cockrell, and Franz Wuerfmannsdobler, Brad Fuller, as well as Tyler Owens, Ben Hammond, the floor staff, and of course Scott O'Malia of the committee staff who has worked so hard with me.

This has been a challenge for Scott and others because this is my first experience as the ranking member of this subcommittee. I was far more comfortable working on agricultural matters. But to have moved from the Agriculture Subcommittee to the Energy and Water Subcommittee has been a significant challenge and I am grateful to the chairman and the others for their willingness to work with me as I have come through this maiden experience.

I agree with the chairman that this is a very important bill addressing one of the most significant challenges we face in this country, which is getting our energy policy right and getting the energy initiatives properly funded. I am grateful it has finally come to the point where we are in fact within moments of final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I think the Senator from Florida is going to seek recognition in a moment. I wish to mention for the RECORD the names of those staff who have contributed to the construction of this appropriations bill on the Energy and Water Subcommittee: Doug Clapp, Scott O'Malia, Roger Cockrell, Barry Gaffney, Franz Wuerfmannsdobler, Molly Barackman, Ben Hammond, Tyler Owens.

We have had a lot of staff people who have put in a great deal of time. I wished to mention them by name as my colleague has done as well. We are very grateful for the amount of time people put in to make these things happen. This bill was a very important bill. I think it was constructed very well.

We had a markup in the subcommittee, the full committee, and now good discussion on the floor of the Senate. We are very close to final passage. We are waiting because a couple Senators are asking for commitments on amendments on a bill that does not relate to this before they will agree to final passage. I think we are very close to having their appetite for that satisfied and we can go to final passage.

I believe the Senator from Florida is going to talk about two amendments that have been cleared on both sides that could then be cleared.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENTS NOS. 1852 AND 1893, AS MODIFIED

Mr. NELSON of Florida. I call up en bloc amendment Nos. 1852 and 1893, as modified.

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

Mr. NELSON of FLORIDA. Mr. President, I ask unanimous consent that Senator MARTINEZ be added as a cosponsor to amendment No. 1852 and that I, Senator NELSON of Florida, be added as a cosponsor to amendment No. 1893.

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

Mr. NELSON of Florida. Mr. President, it is my understanding that this has been agreed to by both sides. I would ask for a voice vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Both the minority and majority have cleared both these amendments. I would ask for a voice vote on the amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1852

(Purpose: To provide for the Federal share of the cost of the Ten Mile Creek Water Preserve Area)

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking ''subclause (II)'' and inserting ''subclauses (II) and (III)''; and

(2) by adding at the end the following:

''(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

''(aa) the completion of a post authorization change report; and

''(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.''.

AMENDMENT NO. 1893, AS MODIFIED

(Purpose: To ensure that previously appropriated funding for the Tampa Harbor Big Bend Channel project is used for the original intended purpose of the funding and not reprogrammed)

On page 17, between lines 16 and 17, insert the following:

SEC 1__. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army may reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I wish to make a few comments on the bill. First, let me commend Chairman DORGAN and Senator BENNETT for their excellent work, not only on this legislation but also on the Recovery Act that was passed a few months ago.

Both bills apply significant money to deal with issues and infrastructure that are so important, that would promote green jobs, alternative energy and energy efficiency. They have done an extraordinary job, and I wish to thank them personally.

There is one issue I do want to address, though, and that is the issue of weatherization. In the Recovery Act, there was $5 billion for weatherization. That is now flowing out to the States, localities. We are going to see, particularly in the next few weeks or months, an increase in activity which is going to put people to work and also to, in the long run, curb our use of energy.

This was a major accomplishment. I know Senator DORGAN and Senator BENNETT were key to getting it included in the Recovery Act. The bill we have before us now includes a very small amount, in my view—I am a proponent of weatherization—for weatherization.

Essentially, the President asked for $220 million, the bill has $130 million and two $35 million pilot projects. But one of the aspects of the decrease from $200 million to $130 million is that every State will get a haircut, if you will. Rhode Island, for example, would have, if it was $200 million, $350,000 more to spend on weatherization.

Going forward with the weatherization money from the Recovery Act, this might be something we can bridge this year. But if we do not return to a base of at least $200 million, we are going to see severe disruptions going forward.

The $350,000 seems like a small sum. But my State has a 12-percent unemployment rate. Any money that can be used, particularly since we have geared up this program for the Recovery Act, would put people to work and would be deeply appreciated. This issue is the same for many other States. New York, they would lose $6 million; Michigan, $4 million; Maine, $1 million; Nevada, $300,000; all across the States.

I would hope we could have met the President's objective of $220 million. But one of the other issues is that $70 million for this funding was carved out for a pilot program. I would hope that, again, if we are doing pilot programs, we could not go after the basic weatherization fund but find them elsewhere to initiate these pilots.

One of the pilots is basically to demonstrate energy savings through the use of insulating and sealing homes built before 1980. There are many individuals and organizations that question whether this is a pilot program that is worthy of $35 million or so.

One of the things it does is undercut the notion that the whole house should be weatherized, that there is no magic of just insulating, there are windows, there are door jams, there are energy-efficient appliances. All these things should be considered. So a single, one-dimensional approach raises question with many of the organizations that are actively engaged in weatherization.

For these reasons and more—in fact, I will mention one more that is critical, which is that, under the law, these homes that are insulated would be ineligible for additional weatherization, for weatherization treatment. That is sort of one bite at the apple.

As a result, they would not be able to perhaps be more efficiently weatherized in the future. So I think that is something that has to be considered. As a result, the National Association for State Community Services Programs, the National Community Action Foundation, both of them have written with concerns about this proposal.

I ask unanimous consent to have printed in the RECORD a letter from these two groups.

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

(See exhibit 1.)

Mr. REED. We originally, Senator SNOWE and I, filed an amendment to see if we could restore the funding. But I think at this moment, what we want to see is this bill move forward to conference. I would love to work with the chairman and the ranking member on this issue. Also, I would expect that if these pilot projects for this year are fully evaluated, that next year, we take another hard and close look, if we cannot resolve it in conference, on the use of these funds for pilot programs.

Finally, again, we are fortunate because of the work of Senators Dorgan and Senator BENNETT that we have a significant amount of weatherization money through the Recovery Act. But, again, I think we should have to insist that we maintain a good base fund, and I would hope we could do that going forward.

I yield the floor.

EXHIBIT 1

Hon. DANIEL INOUYE,
Chairman, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

Hon. BYRON DORGAN,
Chairman, Subcommittee on Energy and Water Development, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN INOUYE AND CHAIRMAN DORGAN: The National Association for State Community Services Programs (NASCSP) represents the state administrators of the Weatherization Assistance Program and the National Community Action Foundation (NCAF) represents the local Community Action Agencies that deliver the program's services. We are very concerned about the language in the FY 2010 Committee Report, which allocates $70 million for alternative and vaguely specified uses to be determined by the Department of Energy. Those funds could be used to weatherize nearly 11,000 low-income homes. The disappointing appropriations level of $200 million itself is only 80% of President Obama's Request. After the funding earmarked for alternative uses is taken away from state allocations, just $130 million would remain for the core program. This is the lowest program allocation since 1998.

This diversion of funds from the core program suggests the Committee lacks confidence in the burgeoning expansion of Weatherization service delivery. We believe such fears are not supported by the facts as laid out in the multi-year plans recently approved for state Program growth under the American Recovery and Reinvestment Act of 2009 (ARRA). Many states even plan to complete ARRA-funded work before the end of PY 2010 and are counting on the 'regular', appropriated funds to prevent the collapse of the program and moderate the loss of its workforce.

Further, we question the value of both of the alternative, federally-run projects to be funded. One tests insulation in older homes. Older homes already make up the vast majority of housing stock weatherized today. Additionally, insulation is just one component of a comprehensive weatherization project. The intent of the program may be to test new insulation materials developed by a manufacturer; in that case, a dedicated program is unnecessary because the core program provides a path for incorporating new technologies and materials. Appendix A to Title 10, Part 440, Direct Final Rule—Federal Register, June 22, 2006, specifies how test results on materials are submitted to DOE technical review and then placed on the approved list. However, if the project is intended to test batt insulation manufacturers' suggestion of an insulation-only program rather than a systematic approach to the house as a system of space conditioning systems and baseload usage, there are better ways. One would be the long-delayed program evaluation of a sample of thousands of homes where some will have received only insulation. Another is to use the evaluations performed on similar experiments conducted by utility DSM programs and to incorporate the results into WAP practices.

The second pilot program, funds ''partnerships between the Department and traditional and/or nontraditional weatherization providers'' to increase private leveraged funding. In other words the program is intended to act without the states or local agencies that would, in the end, need to test and adopt innovations. It is apparently to be a new, direct federal Weatherization program with new delivery agencies which would circumvent the statutory requirement to use the experienced local network providers. It is not necessary to earmark funding for leveraging activities, as the statute allows substantial investment in activities to leverage private funding; the millions won by Weatherizers in utility rate-payer programs attest to the efficacy and frequency of states' investments in innovative private partnerships.

The Committee Report also suggests there should be a new private funding match requirement for federal funds which is not reflected in the re-authorization bill recently reported by the Energy Committee. We question the practicality of this requirement and believe hearings on the proposal's impact would be appropriate.

Thank you for considering our concerns regarding this matter.

Sincerely,

TIMOTHY R. WARFIELD,
Executive Director, National Association for State Community Service Programs.

DAVID BRADLEY,

Executive Director, National Community Action Foundation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the expansion of nuclear power, and so do the American people. Seventy percent, according to the Nuclear Energy Institute, believe we should either build new or expand existing nuclear powerplants. It is the key to our energy future in several different ways.

I believe we ought to have a robust goal toward expanding nuclear power, and that we should work to build 100 nuclear plants as quickly as possible. We built them quickly in wave of construction, and hopefully, we will be able to have a cookie-cutter design for plants that can be used on a regular basis with good engineering, and be a step above the plants we have today.

Nuclear energy is a clean source of domestic energy. It is American-made energy. It is the kind of energy the American people support. It has a role to play in reducing our dependence on foreign oil and bringing down the price of gasoline. If we could convert more cars to utilizing electricity through plug-in hybrids, then 24-hour-a-day base load nuclear power can charge automobile batteries at night when the grid is not at full demand and a person can drive 40 miles or so the next day without using a drop of gasoline.

Nuclear powerplants will provide long-term economic benefits. It makes great strides in reducing the amount of imported oil from foreign countries and it keeps our wealth at home. It certainly creates high-paying, clean American jobs. It is a serious solution to our energy future. New nuclear plant construction will supply as much as 50,000 megawatts of additional clean and affordable electricity to meet the demands of a growing economy.

Nuclear power is the most cost-effective way to generate electricity. While wind and solar certainly have roles, they simply will not take us far enough. The average nuclear production costs have declined more than 30 percent in the last 10 years to an average of 1.7 cents per kilowatt hour. This includes the cost of operating and maintaining the plant, purchasing the nuclear fuel, and paying for the management of used fuel. The low and stable cost of nuclear power helps to reduce the price of electricity paid by consumers. We cannot just say that we need to use energy sources that are clean; we must also produce electricity at an affordable price, and nuclear power meets both of these criteria.

One thing I am disappointed about in the bill we are working on today, is how this measure deals with the storage of nuclear waste. Yucca Mountain was chosen as the government's location for a deep geologic repository for the safe storage of used nuclear fuel. All aspects of the geological, hydrological, geochemical, and environmental impacts have been studied, including a detailed evaluation of how conditions might evolve over hundreds of thousands of years at Yucca Mountain. To date, we have spent more than 25 years and $10 billion on these studies, and the Department of Energy has summarized these studies in several scientific reports which served as the basis for the 2002 decision to approve Yucca Mountain as a site repository. These reports, which included input from extensive public review and comment, formed the foundation of DOE's June 2008 application to the Nuclear Regulatory Commission for a license to construct the repository.

Ending Yucca Mountain could not only hinder new nuclear construction, it could also pose a serious budget question. The repository is currently financed through the Nuclear Waste Fund. Presently, ratepayers pay a one-tenth of 1 cent fee for every kilowatt hour of nuclear power they consume. This is collected through the monthly utility bill paid by ratepayers.

Under the Nuclear Waste Policy Act, DOE must review the adequacy of the Nuclear Waste Fund fee every year. DOE last performed a fee assessment in August of 2008, when it found the fee was adequate. As a result, the total amount of money paid into the fund is approximately $750 million per year and about $1 billion in interest per year. The Congressional Budget Office cost estimate unit told the House Budget Committee that CBO could not estimate what the fee should be:

> In light of the [Obama] Administration's policy to terminate the Yucca Mountain project and pursue an alternative means of waste disposal, there is no current basis to judge the adequacy of the fee to cover future costs because the method of disposal and its lifecycle costs are unknown.

That is certainly true. Therefore, utilities and regulators are now asking the Department of Energy to suspend the fee on nuclear power. Why should they pay a fee that is supposed to ensure their wasted nuclear fuel will be taken to a repository when this administration has sought to stop this repository and seems to be making progress in that direction?

Suspending payments of the Nuclear Waste Fund could also complicate general budget matters as the Nuclear Waste Fund is included as a part of the General Treasury Fund, not a trust fund, and can be appropriated on an annual basis. The result is that these funds are often used for purposes other than the disposal of nuclear waste, with only IOUs being held to carry out the fund's purpose. For example, according to CBO, the fund provided $8 billion through 2006 in government spending that did not contribute to the deficit. In other words, they took this money from the fund. So we can see the issue. If the IOUs are ever paid, the money must come from somewhere, and that payment will be scored as an expenditure of the government. In fact, if lawsuits filed by utilities paying this fee to the government are successful, we are going to have to spend the money, according to the law, it seems to me, for nuclear waste disposal. If so, where will the money come from? We will have to find it in some other fashion. If we do like we do everything else around here, we will just add it to the deficit, another $8 billion to the current debt.

Additionally, we cannot forget that the Nation's $11 trillion deficit must also be factored into the debate. Regardless of what the President's Blue Ribbon Commission decides concerning Yucca Mountain, the DOE will have to pay for the disposal of nuclear waste. That is the legal requirement.

There are numerous lawsuits stemming from the delay. The courts have already found DOE partially in breach of contract for not taking the used fuel from the nuclear powerplants as required in exchange for the nuclear waste fee they have been paying. This has resulted in the Federal Government paying approximately $300 million to utilities in compensation costs, which is paid out of a judgment fund and not out of the Nuclear Waste Fund. They are not paying back the money with the funds already contributed by the utilities. They are taking it from the General Treasury, a judgment fund, and paying it out of that. And there may be more judgments coming along.

Also, DOE has appealed judgments totaling approximately $400 million in additional cases they may well lose. That will be another $400 million that will have to be found and there are close to 40 lawsuits that have not yet gone to trial.

According to CBO, because judicial claims for damages are made retrospectively, many more cases can be expected in the coming decades as utilities seek to recover their own costs for storing nuclear waste on site long after they expected it would be removed to a permanent disposal site.

The repository is also slated to hold high-level waste left over from the Cold War, and the government may be liable for compensation costs from States currently hosting defense waste as well. The Treasury Department has estimated it will cost DOE about $300 billion to clean up and monitor several government sites that are contaminated with hazardous and radioactive materials.

I ask my colleagues to listen to that number. As a result of activities in early nuclear development, there are waste sites in the country. The Department of Treasury has estimated it will cost about $300 billion to monitor and clean up several of those sites. I think that number is so breathtaking that I am amazed that more discussion has not occurred about it. I have raised the issue with the Department of Energy and the Department of Defense, as I serve on both Committees, and I believe it can be done for less than that. It has to be done for less than that. We do not have the $300 billion. We have to look for a better and more responsible

way to deal with these cleanups. The waste needs to be stored somewhere. The President has indicated that Yucca Mountain is not one of the options for disposal of nuclear waste.

I was disappointed to hear that. However, we must remember that Yucca Mountain remains the law of the land and that the administration does not have the ability to unilaterally terminate the project. In order to eliminate Yucca Mountain, Congress would have to amend the Nuclear Waste Policy Act, which set a deadline for the Federal Government to begin disposing of used fuel. However, more than a decade later, we still have not settled on a policy for how to accomplish this, and we have sunk nearly $10 billion into Yucca Mountain. That is a huge sum of money, even for the amounts we talk about today. Not to mention that it is the most studied geology on the planet.

I do not think we should abandon this project simply because of political pressure. Regardless of what this administration says, we will continue to face the problem of nuclear waste management. We must have a successful plan to dispose of nuclear waste, whether it is through direct disposal or recycling. I believe we need to go forward with recycling and I have offered legislation to do just that. Either way, we are going to need a site, but if we recycle this waste, it would be less toxic. It would be radioactive for far fewer years than would be the case if it were not recycled and perhaps would then be more palatable to those who object to the site.

Perhaps an answer, which to me makes sense, is to move the Nuclear Waste Fund off budget to a dedicated account so that the money will be used for what it was intended. Currently, it is being spent in other places and being replaced with an IOU. Why should utilities pay money into a fund when they are not getting any benefits that they were promised? It just lead us into liability and lawsuits, some of which are already being lost.

I believe nuclear power has proven to be exceedingly safe in America. Not one American has lost their life operating a nuclear powerplant.

The Three Mile Island situation, which caused so much fear and concern in America, did not result in even one person in the studies afterwards to have been sick. But the plants today, and the new ones we will build, will be even safer. They will be set up in such a way that even without power they would automatically shut themselves down through gravity flow into the reactor core. It is a new and safer design. They can be built in mass production quantities, resulting in lower costs per plant, and perfecting the technology and construction techniques that should result in reducing costs. It would allow the components to be produced in larger numbers, reducing costs, and help the Nuclear Regulatory Commission, because of the uniform nature of these plants, to regulate them even more effectively.

Mr. President, I thank the Presiding Officer and would say again, nuclear power produces about 20 percent of our electricity today. It emits no CO_2 or other global warming gases into the atmosphere. It is cost effective, it is all American, and it does not require us to expend large amounts of American wealth to foreign countries in order to maintain our energy supply. Nuclear power is the right thing to do, and I hope we will continue to work on it because I believe the country is ready to move in that direction.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent that no further amendments be in order; that the substitute amendment, as amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a budget point of order is raised against the substitute amendment and the point of order is not waived, then it be in order for another substitute amendment to be offered, minus the offending provisions but including any amendments which had been agreed to previously, and that then no further amendments be in order; that the new substitute amendment, as amended, be agreed to with the remaining provisions beyond the adoption of the substitute amendment remaining in effect; further, that the subcommittee plus Senator INOUYE be appointed as conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT REQUEST—S. 1498

Mr. REID. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Calendar No. 126, S. 1498, the Surface Transportation Extension Act of 2009; that a Boxer substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend has objected. I would not belabor the point, but the Environment and Public Works Committee worked very hard. This is an 18-month extension of the highway bill. It is all paid for. But we understand and we will continue working on this and we will see what we can come up with at a later time.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, Thursday, July 30, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to H.R. 3357; and that when the bill is considered, it be considered under the following limitations: That there be general debate of 20 minutes equally divided and controlled in the usual form, with the time under the control of the leaders or their designees; that the only amendments in order be the following and that debate time on each amendment be limited to 60 minutes equally divided and controlled in the usual form; that no other amendments be in order; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time, and the Senate then proceed to vote on passage of the bill: Ensign amendment regarding unemployment benefits, Bond amendment regarding SAFETEA-LU, the Vitter amendment regarding the highway trust fund, the DeMint amendment with the offset on the housing substitute.

Further, that upon disposition of H.R. 3357, the Senate proceed to the consideration of Calendar No. 105, H.R. 2997, the Agricultural, Rural Development, Food and Drug Administration and Related Agencies programs; that once the bill is reported, Senator KOHL be recognized to offer a substitute amendment, which is the text of the Senate committee-reported bill, S. 1406; further, that once this agreement is entered, the aforementioned amendments be filed and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, could the majority leader give me an indication of when we might turn to this matter tomorrow?

Mr. REID. I indicated to our floor staffs that we will do our very best to get it here as early as we can tomorrow afternoon.

Mr. MCCONNELL. Early tomorrow afternoon?

Mr. REID. As early as we can get it over here. If we are fortunate, we may get it here in the morning, but we will get it here as early as we can. I would say to my friend, the bill is passed, so it is just clerical stuff. It shouldn't be difficult at all to get it over here.

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

Under the previous order, the substitute amendment, No. 1813, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on passage of the bill, as amended.

The majority leader.

Mr. REID. Mr. President, this will be the last vote of the night, and we will then work on these issues as soon as we can. The sooner we get the stuff from the House, the sooner we can wrap up, and Senator KOHL will be here to begin work on the agricultural bill. So we should have a full load tomorrow.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—85

Akaka	Enzi	Nelson (NE)
Alexander	Feingold	Nelson (FL)
Barrasso	Feinstein	Pryor
Baucus	Franken	Reed
Bayh	Gillibrand	Reid
Begich	Graham	Risch
Bennet	Grassley	Roberts
Bennett	Gregg	Rockefeller
Bingaman	Hagan	Sanders
Bond	Harkin	Schumer
Boxer	Hatch	Sessions
Brown	Hutchison	Shaheen
Brownback	Inouye	Shelby
Bunning	Johanns	Snowe
Burr	Johnson	Specter
Burris	Kaufman	Stabenow
Cantwell	Kerry	Tester
Cardin	Klobuchar	Thune
Carper	Kohl	Udall (CO)
Casey	Landrieu	Udall (NM)
Cochran	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Whitehouse
Crapo	McConnell	Wicker
Dodd	Merkley	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—9

Chambliss	Ensign	Kyl
Coburn	Inhofe	McCain
DeMint	Isakson	McCaskill

NOT VOTING—6

Byrd	Lieberman	Menendez
Kennedy	Martinez	Mikulski

The bill (H.R. 3183), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint the following conferees.

The Presiding Officer appointed Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUYE, Mr. BENNETT of Utah, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH conferees on the part of the Senate.

● Mr. LIEBERMAN. Mr. President, I was unable to participate in the roll-call vote on final passage of H.R. 3183, as amended, the Energy and Water Development and Related Agencies Appropriations Act. Had I been present, I would have voted yea in support of the bill.

I would like to commend the chairman of the subcommittee, Senator DORGAN, and the ranking member, Senator BENNETT, for their bipartisan work on this important bill that will fund energy and conservation programs that are critical for my State of Connecticut and the rest of the country.●

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I rise this evening before we adjourn to share some letters I have received from constituents of mine in Ohio. I represent the Buckeye State in this body.

I have received probably hundreds of letters similar to the ones I am going to read, and thousands of calls and e-mails and faxes and visits from people asking that we move forward on health insurance legislation, that we do not let special interest groups slow us down, that we do not let people who want to see this fail get in the way of its passage.

I wanted to share some of these letters, because in this body, we talk about exclusivity periods, we talk about the public option, we talk about the exchange, the gateway, employer mandates, all of those things that matter to us. They are public policy; they are important. But we do not talk enough about individuals about people in Juneau or Fairbanks, in the Presiding Officer's State, about what people in Galion, in Mansfield and Bucyrus and Crestline, and Findlay and Zanesville in my State think.

I want to share a handful of these letters I received in the last few days from people in my State.

I will start with Brenton from Franklin County. That is the Columbus area in Central Ohio:

My health care story is similar to that of many young people across the country. I am 26, healthy, college-educated. I have a full-time job. But even with these advantages I'm unable to afford health care coverage without significant help from my parents.

After graduating college 3 years ago, I took a part time job and went without health coverage for about a year. Unfortunately, I came down with a case of strep throat and put off going to a doctor for several weeks until it became severe.

Obviously, he did not have insurance. It was expensive.

When I finally sought medical attention, my case of strep proved to be drug resistant and I had to pay for several hundred dollars in different medications. I lost my job due to medical absence before I returned to good health.

After this scare, I found a full-time job with health coverage, but I still need help from my parents to cover the high premiums. I realize I am fortunate to be healthy and insured when compared to many Americans.

But it's a shame that in a country as great as ours that there could be any question as to whether a young able-bodied man, such as myself, should feel secure in his future if presented with even a minor illness.

Think about that. This is a young man who, because he did not have insurance, even though he worked full time, was playing by the rules, could not get insurance. He gets sick. He puts off going to the doctor. It ends up costing him out of pocket in the health care system a whole lot more money. He lost his job because he missed work.

If we had our health care bill in place, the legislation that passed out of the HELP Committee, if we had that bill in place, a bill that protects what works in the system and fixes what is wrong, then Brenton would still hold his job and would be in a much better position.

Richard from Youngstown in northeast Ohio is near the Pennsylvania border. Youngstown, I might add, was voted in Entrepreneur Magazine recently as one of the 10 best places in America to start a business.

Richard writes:

I ascribe my good health to regular preventive care efforts to stay healthy: no smoking, regular exercise, weight control. But five years ago, I had surgery for early stage prostate cancer.

Fortunately, I am still cancer free. The surgery itself was a miracle of modern medicine . . . and I've enjoyed similar high standards of care from my doctors' vigilance.

Three years ago, at the age of 61, I hiked through the Appalachian Trail as well as the Pacific Crest Trail. More recently I passed my recent physical with flying colors.

Imagine my consternation when my insurance company told me the reason my premium had been raised 30 percent was because I was ''in such poor health''!

The insurance company wrote that my premiums increased because I had moved up into a different age bracket and because of my cancer history. They said for me to wait until the 5 year anniversary of my cancer to shop around for a different plan.

In the past, I wouldn't hesitate to visit my doctor or a specialist to manage my care.

Now, I'm among the under-insured. As a retiree whose retirement savings has been devastated, I have to face living on a reduced income.

Now, I might put off that doctor visit.

That's why I'm so strongly in favor of a public alternative to the existing for-profit insurance companies in the health care reform legislation currently making its way through Congress.

Under our legislation, there would be no longer the discrimination of pre-existing condition, of cutting off people

when they got their insurance. There would be no copays for preventive care, all the kinds of things that Richard talks about that were lacking in his health care plan when he had insurance are dealt with and will simply not happen in the health insurance bill passed out of our committee.

Next is Marcia from Cuyahoga County, which is Cleveland. Cleveland has become a center for alternative energy in our State. In the next couple years, there will likely be a field of wind turbines in Lake Erie, the first time that has been done anywhere in the world in freshwater. There are a lot of things going on in Cleveland that work for our State and country.

Marcia writes:

I am a 56 year old continuously insured professional female, but currently unemployed.

Since my last job, each year my health insurance has skyrocketed.

With each of these premium increases, the coverage decreases, while co-pays and more deductibles go higher and higher.

It is a slippery slope.

Last year my health insurance had a triple increase in three months, which is equal to almost 1 week of my extended unemployment.

I was on a COBRA for 18 months. Then I had to find my own private health insurance.

That allows one to buy insurance after they lose their job. But they have to pay their own premiums and they have to pay their employer premium which very few people can afford once they have lost their jobs.

Marcia continues:

I applied to 5 companies and was rejected by 4 of them.

One rejection occurred before I even filled out the application.

The application forms are so complex and time consuming to recount one's entire life's medical care.

The one company that accepted me charged a 50 percent markup due to my prior conditions. Note, I had no major diseases but a few treated conditions.

I now realize that anyone with an illness is uninsurable.

One of the most important things to realize about this health insurance legislation is not just that it provides insurance for those who are uninsured or that it will assist those who are underinsured get better insurance. It also helps those who now have insurance. It allows them to keep the insurance they have, if they are satisfied. It also says we will have consumer protections built in so insurance companies no longer are allowed to deny you care because of preexisting conditions or allowed to game the community rating system, no longer allowed to deny care for a whole host of reasons that insurance companies do now. These consumer protections will help people who are newly insured and people who are now underinsured, as we provide more insurance, and it will help those people—these consumer protections will be built into existing insurance policies that people have today—who are generally satisfied with their insurance. They are satisfied now until they have a major claim where the insurance companies might discontinue their care and might cut them off. Under our plan, the insurance companies would not be able to do that.

My last letter is from Justin from Cincinnati. That is in southwest Ohio along the Ohio River.

Justin writes:

I am a 25-year-old software tester with a wife and two daughters that rely on my income.

I've seen my health insurance costs more than double over the last year.

This is more than my mortgage, and it is absolutely crippling.

I've been living on advances trying to make ends meet.

Please fight for me; all I can do is plead and hope that you listen.

If that doesn't remind us how important this work on providing health insurance reform is to the people of this Nation.

Justin continues:

It drives me crazy that I pay so much a month to a company that takes my money and then uses it to try to defeat legislation that will help ease my financial burden.

He has read in the paper or seen on the Internet or heard on the radio or watched on channel 9 or channel 12, he has heard about lobbyists spending $1 million a day to lobby the House and the Senate, pharmaceutical company lobbyists, health insurance lobbyists, to weaken this bill. He resents that he is paying these companies for his insurance and prescription drugs to pay the lobbyists to lobby Congress to weaken what we ought to be doing right for Justin and so many others.

Justin concludes:

Please take a stand for me and Americans that say we need a public option. This is literally a matter of life and death for many people.

It can't fail this time, we can't afford for it to.

Justin referred to the public option. There have been a lot of things said about the public option, most of them not true. The public option is a program that will be a government option, a government insurance policy, a choice provided by the Federal Government giving people the option. You can choose Aetna, a mutual company such as Medical Mutual in Ohio or Blue Cross or you can choose to go on the public option. The public option will have lower administrative costs. The public option will keep the insurance companies honest because we know what insurance companies do when they discontinue care, when they discriminate against people because of preexisting conditions. The public option also will save money because of competition. The public option simply makes sense.

I support strongly a public option. Senator WHITEHOUSE and I wrote the public option in the HELP Committee bill that passed. We wrote that public option because we believe in good old-fashioned American competition. I want the insurance companies to compete. I want the public option to compete. We are going to get a better public option because of private competition, and we will get better private insurance because of public option competition. It is as simple as that. It is not a big government program. It simply says: Let's inject competition into the system so we get better health insurance.

There are a lot of accusations and untruths thrown around by opponents, the same people who tried to stop the creation of Medicare years ago and the same people who tried to privatize Medicare a few years ago. We know this bill protects what works and will fix what is wrong. We will all be better off as a result.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. KYL. Mr. President, I ask unanimous consent that an article by Martin Feldstein, ''Obama's Plan Isn't the Answer'' printed in the Washington Post, Tuesday, July 28, 2009, printed in the RECORD.

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

[From the Washington Post, July 28, 2009]

OBAMA'S PLAN ISN'T THE ANSWER

(By Martin Feldstein)

For the 85 percent of Americans who already have health insurance, the Obama health plan is bad news. It means higher taxes, less health care and no protection if they lose their current insurance because of unemployment or early retirement.

President Obama's primary goal is to extend formal health insurance to those low-income individuals who are currently uninsured despite the nearly $300-billion-a-year Medicaid program. Doing so the Obama way would cost more than $1 trillion over the next 10 years. There surely must be better and less costly ways to improve the health and health care of that low-income group.

Although the president claims he can finance the enormous increase in costs by raising taxes only on high-income individuals, tax experts know that this won't work. Experience shows that raising the top income-tax rate from 35 percent today to more than 45 percent—the effect of adding the proposed health surcharge to the increase resulting from letting the Bush tax cuts expire for high-income taxpayers—would change the behavior of high-income individuals in ways that would shrink their taxable incomes and therefore produce less revenue. The result would be larger deficits and higher taxes on the middle class. Because of the