

If you are a young person or a middle-aged person and you want to go out and buy a laptop computer today, for example, the odds are you are going to get a pretty good price on that computer, and the price of that computer will be substantially lower than it was a couple years ago. So for you, inflation for your expenditures on technology may well have gone down.

On the other hand, if you are a senior citizen, especially one who does not have a whole lot of money, how are you spending your money? Well, a very significant cost for seniors, obviously, is health care. For those needs Medicare does not cover, the truth is, health care costs, as we all know, are exploding. They are going up.

So if you are a senior, the odds are you are spending a lot more for health care out of your own pocket this year than you did last year. If you are a senior and you get caught in the doughnut hole of Medicare Part D, you are spending a lot of money because prescription drug costs, in many instances, are also going up.

So I think when we take a look at the COLA, we should understand the needs of somebody who is 75 or 80 years of age and how he or she spends their money, from an inflation perspective, is very different from somebody who is 18 years of age or maybe 40 years of age. But be that as it may, there can be no debate that millions of senior citizens today, in the midst of this recession, are hurting very badly. I think we would be doing a great disservice to them by turning our back on their needs and not making sure we are providing some financial support to them.

Therefore, I am asking my colleagues to join me in becoming an original cosponsor of the Emergency Senior Citizens Relief Act, legislation I will be formally introducing on Thursday. Under this legislation, all Social Security recipients, railroad retirees, SSI beneficiaries, and adults receiving veterans benefits will receive a one-time additional check of \$250 in 2010. Since seniors living on fixed incomes are most likely to spend this money—whether it is on health care, whether it is trying to keep warm this winter—this legislation would provide a boost to our economy as it emerges from the economic crisis.

I very much appreciate that my colleague from Vermont, Senator LEAHY, is an original cosponsor, and I hope within the next couple of days we can have more.

For more than three decades, seniors have relied on a cost-of-living adjustment in their Social Security benefits to keep up with their increased expenses. Unfortunately, the current formulation for determining Social Security COLAs, in my view, does not accurately take into account the purchasing needs of today's seniors who often do not buy items such as laptop computers and cellular phones but spend, as I mentioned a moment ago, a disproportionate percentage of their in-

come on health care needs and prescription drugs.

The truth is, what we are proposing now is something very similar to what the Obama administration provided for in the stimulus package. This legislation we are offering is fully paid for by simply applying the Social Security payroll tax to household incomes above \$250,000 and below \$359,000 in 2010.

Under current law, only the first \$106,000 of earned income is subject to the Social Security payroll tax, thus a worker earning \$106,000 pays the same payroll tax as a CEO making \$300 million. This legislation begins to correct this inequity in 2010, while making sure seniors receive a fair increase in benefits next year. I should point out, in terms of this offset, no one in America earning \$250,000 or less would see their payroll taxes go up at all.

So I think this is an important issue. I think seniors all over this country are worried about their financial situation. They want the Congress to pay attention to their needs. I think the one-time financial support of a check of \$250, while not a whole lot of money, would at least help many people not see a reduction in their Social Security checks and would be of real help.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 416, 417, 423, 424, 425, and 426; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

## TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2366

Mr. DURBIN. Mr. President, I rise to speak in opposition to the Wicker amendment, No. 2366, pending before the Senate on the THUD bill, as it is known around here—the Transportation, Housing and Urban Development bill. This is a bill which obviously includes Amtrak. Senator WICKER, of Mississippi, has offered an amendment which relates directly to the funding for Amtrak and whether it will be cut off.

The Senator from Mississippi says in his amendment he would cut off all Federal transportation funding for Amtrak in the next fiscal year unless Amtrak allows its passengers to transport guns in their checked baggage. This amendment would essentially impose upon Amtrak the standards for checking guns and ammunition that currently applies to airplanes. However, planes and trains have very different systems for handling checked baggage and different security concerns.

Let's talk about the effect of the Wicker amendment. Amtrak has said it is not ready to allow guns and ammunition to be transported in checked baggage. Amtrak doesn't have the security infrastructure, the processes or the trained personnel in place to ensure that checked firearms would not be lost, damaged, stolen or misused. Senator WICKER is imposing a new burden on the Amtrak train system in America—clearly an unfunded mandate—so some passengers—I don't know how many—can check firearms in their baggage. If this amendment becomes law, Amtrak would have to let guns checked in baggage onboard, regardless of the fact that they aren't prepared for this, or they forfeit Federal transportation funding that the railroad desperately needs to provide services to millions of Americans.

I understand the Senator from Mississippi is going to modify his amendment to provide for a March 2010 effective date, which, in effect, gives about 5 or 6 months for Amtrak to hire additional security personnel, to buy the equipment or create the equipment for this checked baggage and to establish procedures at all the Amtrak stations across America so some people can check a firearm on an Amtrak train. I don't know if 6 months is feasible for Amtrak to make such a significant policy change.

Why is the Senator from Mississippi determined that we have to, in 6 months, make sure that any American who legally owns a gun can take it with them on an Amtrak train in checked baggage? Shouldn't we take the time to take a look at this and consider the basic questions of safety and cost before we vote for this?

Amtrak's current policy prohibits any type of firearm, explosive or weapon from being checked or carried on in baggage. This policy was put in place in the year 2004. Do you want to know why Amtrak put this policy in place in 2004? It was after the Madrid, Spain, train attack that killed 191 people and wounded 1,800 more. Amtrak's reasons for this policy were clear—safety and security. It was put in place in the aftermath of terrorist attacks that claimed lives.

Let me quote from a statement issued by Amtrak on its current policy.

Amtrak accepted firearms in baggage in checked baggage at one time. Weapons had to be separately secured in baggage or containers. However, after the terrorist attacks of September 11, 2001, Amtrak began to place restrictions on the carriage of weapons on Amtrak trains. In 2004, the review and evaluation of numerous security measures occurred again after the attack on passenger trains in Madrid, Spain, on March 11, 2004. The purpose of this policy revision was to better ensure the safety and security of Amtrak passengers and employees. Amtrak decided to implement a total weapons prohibition, including firearms. The only exception was for sworn law enforcement personnel. Today, that policy is still in effect.

That exception is reasonable—for sworn law enforcement personnel. But the Senator from Mississippi wants to go beyond that. He wants to allow anyone who legally owns a gun in America—and I might tell you that the standards in many States are not that high for the ownership of firearms—to impose upon Amtrak an obligation to check baggage with an unloaded firearm in a container, as specified, and that Amtrak has to set up the process for that passenger, regardless of the cost to Amtrak, which incidentally neither the Senator from Mississippi nor anyone else on the Senate floor knows. We have no idea what this is going to cost.

This amendment simply disregards the risk assessment that Amtrak conducted for the security of our rail network. It calls for eliminating all funding for Amtrak unless they adopt the policy on checking firearms in baggage

the Senator from Mississippi is insisting on.

The stakes for Amtrak are enormously high. In the current fiscal year, Congress has appropriated \$1.49 billion for Amtrak's operations and capital improvements. This amendment would say Congress couldn't give \$1 to Amtrak unless it changes the policy, as the Senator from Mississippi insists.

Well, I can tell you what Amtrak means to my State of Illinois. With the increasing cost of gasoline, more and more people are relying on Amtrak. Thank goodness they are. Using Amtrak trains means fewer cars on the highway and less pollution. Families are saving money. It is a godsend for those who use them in college towns—sending their kids to school and letting the kids return using the trains.

In Senator WICKER's home State of Mississippi, Amtrak had a ridership of 100,000 people last year. That number isn't as large as the 4.4 million in my home State, but it is a fair number of people in Mississippi who found it convenient to ride on Amtrak trains. Last year, Amtrak employed 72 people in Mississippi and paid out over \$4.5 million in wages. The Senator from Mississippi says: If you don't accept my amendment to allow firearms in checked baggage, close it down.

Nationwide last year, 28.7 million passengers rode on Amtrak—an average of more than 78,000 passengers per day. Amtrak employs nearly 18,000 people nationwide with good jobs, but the Senator from Mississippi would rather see Amtrak's funding, riders, and employees cast aside unless he is satisfied that Amtrak's checked baggage policy allows people to take firearms onto trains.

Besides concerns about terrorism, there are legitimate safety concerns with permitting weapons in checked bags on trains. Amtrak doesn't have the personnel, systems or security infrastructure needed to manage firearms aboard passenger trains. Amtrak cannot effectively safeguard against theft, loss, damage or misuse of transporting guns. Does the Senator from Mississippi expect Amtrak to assign someone to the baggage car to guard the suitcases that may contain the firearms? If he does, how is he going to pay for that?

Passenger trains do not have nearly the baggage handling safeguards that airplanes do. Checked baggage on trains is carried in a separate train car. I wish to tell you, most of the rolling stock of Amtrak is decades old and certainly these baggage cars are as well. They were never designed with this level of security in mind. These train baggage cars are much easier to access during transit and in stations than the checked baggage compartments of airlines. That is fairly obvious.

In addition, Amtrak trains stop much more frequently than airplanes, which creates more opportunities for access and theft and misuse of firearms in checked baggage. In fact, checked

luggage is often unloaded and presented to passengers on the platform rather than a remote, secure baggage pickup area. In order to screen and capably manage checked firearms, Amtrak would need to significantly revise its baggage handling operations and the training of its personnel.

What about special situations, such as when there is a homeland security alert due to specific threats against our rail network? There is not one word in the amendment of the Senator from Mississippi about how to deal with these homeland security threats when it comes to firearms and checked baggage. Should Amtrak be required to allow weapons on trains when there is a terrorism alert?

I wish to know if the Senator from Mississippi ever considered that. I know it didn't come up in a hearing on this amendment because there has never been a hearing on this amendment.

A serious effort at revising Amtrak's weapons policy would include an assessment of these safety and security issues. A serious legislative effort at revising Amtrak's weapons policy would also look at the cost this amendment imposes on Amtrak. There is a lot of criticism on the floor about spending and deficits. Here we have an unfunded mandate on Amtrak because at least one Senator—perhaps others join him—believes it is a good idea that people could show up at the Amtrak station and check their firearms. Are the people willing to pay more, every passenger pay more for tickets, so that person can have a guard on the checked baggage in the baggage car with the firearms in place? We regularly hear concerns about Federal spending, particularly from the other side of the aisle. But the Wicker amendment imposes significant security costs that would have to be absorbed by Amtrak. They may have to cut back in services or raise ticket prices to absorb the cost of this effort, because at virtually every Amtrak station in America they have to be prepared, with the Wicker amendment, to take on firearms as checked baggage.

There have been no hearings on this amendment. The Senate has not given Amtrak or law enforcement or Homeland Security, or the baggage handling unions, or anyone affected by this amendment, the opportunity to even consider it and testify.

Given time, given the opportunity to work with these stakeholders, we may be able to work out some kind of understanding that accommodates the concerns of the Senator from Mississippi, but the amendment we have before us is not a responsible approach to this challenge. To think that we would allow one person at one station to impose a burden and expense on Amtrak to be borne by every other passenger, to me, in this age of terrorism, is difficult to explain and impossible to accept.

I urge my colleagues to think twice about this amendment. I know the political force behind gun amendments, but this goes too far. If it is a good idea, why doesn't it go through the ordinary process here? At least have a hearing and answer the basic questions I have raised and others have raised during the course of consideration of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Kansas is recognized.

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

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

#### WTO AIRBUS INTERIM RULING

Mr. BROWNBACK. Mr. President, this issue is actually one that is related to the bill but it is not on point, so that is why I asked for that permission.

Earlier this month, the World Trade Organization issued an interim ruling that the European Union's "launch aid" to Airbus is illegal. I say this is relating to the bill because a major transportation issue for us in the United States is the building of major aircraft, of aircraft to be able to transport individuals. What we have seen taking place over the last 15 years is Airbus subsidizing their way into the commercial aviation market and taking market share from Boeing and driving McDonnell-Douglas and other competitors out of the field altogether.

Earlier this month, about 2 weeks ago, the World Trade Organization issued a major finding that the European Union was doing illegal launch aid as a subsidy and it was harming U.S. participants in this marketplace. This ruling is a big one for the Office of the U.S. Trade Representative, which has been pursuing this case for years. U.S. trade policy regarding the aerospace industry has been remarkably consistent for years and across several administrations.

The United States has always contended that the launch aid which the EU provides to Airbus to develop new aircraft constitutes an illegal trade practice. Airbus's dishonest behavior has had a devastating effect on the commercial aviation industry in the United States. Launch aid gives Airbus access to billions in government funds which it could never afford to borrow on commercial terms. This free money directly harms the United States and our competitors in these fields. As the USTR pointed out in a 2006 submission to the World Trade Organization, launch aid helped force Lockheed and McDonnell-Douglas from the large commercial aircraft market. It forced them out of the field because of government subsidy by Europe.

Launch aid has also contributed to a loss of 19 percent of Boeing's market share. Imagine two of your main competitors are forced out of the field,

Lockheed and McDonnell-Douglas, and you lose 19 percent of market share, because of a European subsidization in this field. This has harmed the United States substantially, in a big way, and this is a huge ruling for us.

This WTO interim ruling is a big win for the United States and U.S. companies that have had to deal with dishonest behavior by Airbus over the years—or at least it should be a big win. For years the Department of Defense has said it cannot consider foreign subsidies when it holds a competition for defense procurements. In particular, DOD has said it would not consider launch aid last year when it evaluated the cost of the Airbus proposal to build a new aerial refueling tanker for the Air Force.

So here we have a case, supported by administrations, Republican and Democrat, over several years against Airbus that comes out in our favor from the WTO, and the next big bid this may come into effect in is in the military bidding of this tanker, the \$40 billion U.S. Department of Defense tanker bid. The Department of Defense is saying we cannot consider the issue of launch aid.

I think that is wrong. I think it is wrongheaded. I think it is harmful and I think it is at cross purposes for our government, where one end of the government, the U.S. Trade Representative office, sues Airbus for subsidization and the other end, the Department of Defense, says we don't care, and if you give us a cheaper aircraft that way, that is fine. That is at cross purposes, and I think clearly what we should listen to is what the WTO has said, that this launch aid is illegal and it should not be allowed to use it to subsidize a military bid in this country by a foreign competitor.

Last year the Air Force chose Airbus to build the tanker because the cost seemed very low. But now we know that the Airbus pricetag covered up development costs that were illegally subsidized by the EU, and we have that from a World Trade Organization interim ruling.

The Department of Defense, I believe, has an obligation to listen to the Office of the U.S. Trade Representative when designing a new tanker competition. Defense procurement should be coordinated with our trade policy. If the WTO agrees with arguments made by the U.S. Trade Representative, why should the Department of Defense, our Department of Defense, be allowed to object? We cannot afford to have the Pentagon undermining our Trade Representative and our trade policy negotiating position at the World Trade Organization. We have seen how launch aid to Airbus distorts the commercial aircraft market, driving two major U.S. competitors out of the field and cutting back Boeing's share of the marketplace by nearly 20 percent. The WTO ruling should keep us from relearning that lesson in the military marketplace as well. Defense contracts should never

stack the deck against American companies, particularly when the WTO foreign companies are engaged in illegal trade practices.

Everyone agrees that the Air Force needs new tankers. In this current fleet of tankers, many of the planes are already over 50 years old, and when they are finally replaced some of them will be 80 years old and will still be out there flying. They need to be replaced. Tankers are a vital platform for the Air Force and for all of our Armed Forces. They enable the rest of our forces to deploy across the world. Taxpayers have a right to expect a new tanker competition will have a level playing field, particularly for U.S. entrants.

We should not ask taxpayers to ignore the illegal trade practices of companies vying to build a new tanker and we should not ask taxpayers to outsource this crucial capability to a foreign company offering unrealistic, bought-down-by-the-Government-subsidy bargain basement prices, subsidization from the French Government, from the German Government, to get a U.S. military contract that puts our workers out of jobs.

I call on the Secretary of Defense to ensure the new tanker competition accounts for the recent ruling from the World Trade Organization. DOD should factor the value of launch aid subsidies into the cost estimates for any tanker proposal Airbus might submit. This is the only fair way to account for the way Airbus manipulates the aircraft market and has done so successfully in the commercial aviation field to the great detriment of the United States.

I call on the President to ensure Federal procurements are coordinated with U.S. trade policy. This kind of coordination should be a no-brainer. Our trade policy should not be undermined from within and our procurement policies should reflect our trade priorities.

This is a key issue. It is a key issue up in front of the military. It is a key economic development issue for this country. It is a key contract, a \$40 billion military contract. It should be won fairly and squarely by a U.S. company, not by a subsidized European group.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask to speak as in morning business.

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

#### ENERGY CHALLENGE

Mr. ALEXANDER. Mr. President, today I want to challenge two popular misconceptions in the Waxman-Markey climate change and energy bill that is now before the Senate after passing the House of Representatives.

The first is the idea that deliberately raising energy prices will somehow be good for job growth and the economy.

The second is that, whatever the problems created by Waxman-Markey, they can mostly be resolved by building more windmills.

Waxman-Markey started out as a bill to reduce carbon emissions in order to deal with climate change. It has ended up as a \$100-billion-a-year energy tax nailed to a renewable energy mandate that will saddle consumers with expensive energy for years to come. Instead of a broad-based, national clean energy policy, Waxman-Markey has given us a narrow, expensive national windmill policy.

I believe cheap energy means good jobs.

My perspective, of course, comes from Tennessee, where Alcoa has shut down its smelter where my Dad worked. They are waiting for a cheaper electricity contract from the Tennessee Valley Authority. Goodman, a company in Fayetteville that makes a large percentage of all the air conditioners in the United States, tells me that if their electricity prices go up too much then those jobs will go overseas. Eastman Chemical employs 7,000 Tennesseans and uses coal as a feedstock. The company says if Waxman-Markey goes through they too might be headed overseas. The Valero refinery in Memphis employs 600 people refining fuels, including jet fuel for Federal Express at its Memphis hub. Waxman-Markey would cost Valero \$400 million or more per year. Today its profits are \$40 million per year at that refinery.

We have two big supercomputers at the Oak Ridge National Laboratory in part because of our abundance of low-cost electricity. Just one of these machines consumes 7 megawatts. Nationwide, computers use 5 percent of our electricity and it is still growing.

Our Governor has attracted two manufacturing plants to make polysilicon for solar cells—these are the “green jobs” everyone loves to talk about. Each of those plants uses 120 megawatts. If they are going to make affordable solar cells, they can't pay high electricity costs.

A third of Tennessee's manufacturing jobs are in auto manufacturing. Auto parts suppliers watch their costs, including electricity costs, and if they go up too much they will be making auto parts in Mexico and Japan instead of Tennessee and Michigan.

Last December 10 percent of Nashvillians, even with TVA's relatively low residential electric rates, said they couldn't afford to pay their electric bills.

So let's step back for a moment and ask: What kind of America are we trying to create with this climate-change and energy bill? I suggest we want an America in which we have enough clean, cheap, and reliable energy to create good jobs and run a prosperous industrial and high-tech society. In order to support the American economy that creates about 25 percent of the world's wealth, we need to produce about 25 percent of the world's energy.

We want an America in which we are not creating excessive carbon emissions and running the risk of encouraging global warming.

We want an America with cleaner air—where smog in Los Angeles and in the Great Smoky Mountains is a thing of the past—and where our children are less likely to suffer asthma attacks brought on by breathing pollutants.

We want an America in which we are not creating “energy sprawl” by occupying vast tracts of farmlands, deserts, and mountaintops with energy installations that ruin scenic landscapes. The great American outdoors is a revered part of the American character. We have spent a century preserving it. We do not want to destroy the environment in the name of saving the environment.

We want an America in which we create hundreds of thousands of “green jobs” but not at the expense of destroying millions of red, white, and blue jobs. It doesn't make any sense to employ people in the renewable energy sector if we are throwing them out of work in manufacturing and the high tech sector.

That is what will happen if these new technologies raise the price of electricity and send manufacturing and other energy-intensive industries overseas searching for clean energy.

We want new, clean, energy-efficient cars, but we want them built in Michigan and Ohio and Tennessee, not Japan and Mexico. We want an America where we are the unquestioned champion in cutting-edge scientific research and lead the world in creating the new technologies of the future. We want an America capable of producing enough of our own energy so we cannot be held hostage by some other energy-producing country. None of those goals are met by Waxman-Markey.

This bill produces a huge new tax on the economy. In addition, it requires 15 percent of our electricity to come from a narrowly defined group of renewable sources defined as wind, solar, geothermal, and biomass. While promising and intriguing, we cannot expect renewable energy to do anything more in the foreseeable future than to supplement our current base load electricity production. It cannot replace it. What the Waxman-Markey bill proves, once again, is that one of government's biggest mistakes is taking a good idea, renewable energy, and expanding it until it does not work anymore.

Republican Senators have a better idea: Produce more American energy and use less.

First, we should build 100 new nuclear reactors over the next 20 years, just as we did from 1970 to 1990. That would double our level of nuclear generation to 40 percent of our electricity. Add 10 percent for Sun and wind and other renewables, another 10 percent for hydroelectric, maybe 5 percent more for natural gas. By 2030, we begin to have a low-cost, low-carbon, clean energy policy that also puts us within sight of meeting the goals of the Kyoto Protocol on global warming.

Step two is to electrify half of our cars and trucks. I think we can do it

within 20 years. This should reduce our dependence on foreign oil by one-third, clean the air, and keep fuel prices low. According to estimates by the Brookings Institution scholars, we could do this with the unused nighttime electricity we have today without building one new powerplant.

Step three is to explore offshore for natural gas, which is low carbon, and oil. We should use less but more of our own.

The final step is to double funding for energy research and development and launch mini-Manhattan Projects like the one we had in World War II to meet seven energy 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.

Basically, our policy should be to conserve and use our nuclear gas and oil resources until we figure out how to make renewable and alternative energies more reliable and cost competitive.

Instead of following this simple, four-fold, low-cost clean energy strategy, the Obama administration wants to spend tens of billions of dollars covering an area the size of West Virginia with 50-story wind turbines while it squirms uncomfortably at every mention of nuclear power.

According to the San Francisco Chronicle last week:

The Department of Energy is starting a new partnership with the nation's six largest wind turbine manufacturers in an effort to provide 20 percent of the nation's energy from wind by 2030.

In his inaugural address, the President spoke eloquently of powering the country with the wind, the Sun, and the Earth.

In June, the Wall Street Journal asked Boone Pickens, Amory Lovins, Al Gore, and President Obama how to reduce dependence on foreign oil and contribute less to climate change. These 4 came up with 24 suggestions, from placing veterans in green jobs to generating 20 to 30 percent of electricity by wind, but made not one mention of nuclear power.

Over the next 10 years, the wind industry will receive direct Federal taxpayer subsidies of about \$28 billion, according to the congressional Joint Committee on Taxation. Most of this cost is due to the renewable production tax credit that is worth about 3 cents per kilowatt hour to wind developers and costs taxpayers \$26 billion. Fully 75 percent of the renewable tax credit goes to wind. Solar, geothermal, biomass, and hydropower combined make up the remaining 25 percent. There will be \$1 billion for construction subsidies through clean renewable energy bonds. There will be an investment tax credit for residential and small industrial wind turbines. There will be accelerated depreciation of small wind turbines. Plus, there will be \$11 billion

provided by the stimulus for building the “smart grid” and new transmission lines. The North American Electric Reliability Corporation tells us the entire U.S. grid needs upgrading, but the transmission projects announced so far will all go to bringing wind and solar electricity from remote places to population centers.

All this does not even mention the Waxman-Markey renewable energy mandate, which will have the practical effect of forcing utilities in many States to buy government-subsidized wind energy they do not necessarily need from far-away States with better wind resources.

Let me give you an example. Between 2000 and 2004, the TVA constructed a 30-megawatt wind farm on Buffalo Mountain in Tennessee at a cost of \$60 million. It is the only wind farm in the Southeast. You will read in the papers that having a 30-megawatt wind farm means generating 30 megawatts of electricity. That is only what they call its “nameplate capacity.” That is not real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time since the wind does not blow very much in the Southeast. That means TVA is paying \$60 million over 20 years to generate 6 megawatts of electricity. Multiply this out, and you will see it means spending \$10 billion to generate 1,000 megawatts, which makes Tennessee’s wind mills more expensive than the costliest nuclear reactor.

TVA considers the Buffalo Mountain wind farm to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert. Nevertheless, Waxman-Markey will now force TVA and every other utility in the country to get at least 12 percent of their electricity from a narrowly defined group of renewable sources. Hydroelectric dams, for example, probably the best source of renewable energy, do not count because—well, I am not sure exactly why. But environmental groups have been opposing them since the 1950s. Nuclear does not count as renewable, either, even though we have plenty of uranium and reprocessing the fuel could stretch it out for hundreds of years. Instead, the TVA is now requesting bids for 1,250 megawatts of renewable power that it does not really need and may not be able to use.

Wind now produces 1.3 percent of America’s total electricity and 4.5 percent of our carbon-free clean electricity. Yet, according to the Energy Information Administration, wind turbines are being subsidized at 30 times the rate of all other renewables and 19 times the rate of nuclear power, which, by the way, provides 70 percent of our carbon-free, clean electricity.

So instead of a clean, broad-based energy policy or even a clean, renewable energy policy, what we have in practice is a national windmill policy. But wait a minute. They tell us all this is not really about producing clean, cheap en-

ergy; it is about creating green jobs. There are two problems with this argument. First, there must be at least as many welders, mechanics, construction workers, and engineers who would be employed in building 100 new nuclear plants during the next 20 years as in all the so-called renewable energies together. Second, while there may be hundreds of thousands of green jobs, there are tens of millions of red, white, and blue jobs in America that will be quickly lost because of rising energy prices.

Let’s look at California. The Golden State has been imposing renewable energy mandates for years. It has not built a base load coal or nuclear plant in 20 years. Meanwhile, it has built renewables, renewables, and renewables, with plenty of expensive natural gas to back them up. All of this contributed mightily to the California electricity shortage of the year 2000. Now the State has the highest electricity prices in the continental United States west of Washington, DC. Manufacturers are leaving in droves. Even Google and Yahoo are building their server farms elsewhere. With all of this job loss, the State had an 11.9-percent unemployment rate in July and, until recently, a \$28 billion budget gap. Its bond rating is now the lowest of the 50 States.

I cannot believe the high cost of electricity in California has not contributed to all of this. Has this tempered the State’s enthusiasm for expensive renewable energy? Apparently not. California lawmakers are developing legislation to increase the current 20 percent renewable standard to 33 percent by 2020. State energy agencies have concluded it could cost \$114 billion or more to meet the 33 percent mandate, more than double what the original 20 percent requirement cost. That comes to \$3,000 per Californian.

Yet, according to the Wall Street Journal’s news page on July 3 of this year:

The state auditor warned this week that the electricity sector poses a “high risk” to the state economy. A staff report from the state energy commission also warns that California can find itself uncomfortably tight on power by 2011 if problems continue to pile up.

Utilities complain that the ambitious renewable-energy mandates, combined with tougher environmental regulations on conventional plants, are compromising their ability to deliver adequate power. “Conflicting state policies are a problem,” said Stewart Hemphill, senior vice president of procurement at Southern California Edison.

Renewable energy is intriguing and it is useful. But today it is 4 percent of our electricity. It has many challenges. What many people forget is that wind and solar energy is only available, on average, about one-third of the time. And electricity today cannot be stored in commercial quantities with current technologies; you either use it or you lose it.

When you see 1,000 megawatts of wind and solar power reported in the newspaper, remember it is only about

300 megawatts because these sources only produce electricity about one-third of the time, compared to American nuclear plants producing electricity 90 percent of the time.

Denmark, with the world’s biggest percentage of wind power, claims to get 20 percent of its electricity from wind. Yet it still produces 47 percent of its power with coal and imports more than 25 percent of its electricity from Sweden and Germany. Moreover, it is not clear that its carbon emissions have decreased at all over the last 10 years. Worse yet, because of wind variability, Denmark must export almost half of its wind power to Germany and then import nuclear and hydropower back from Germany, Sweden, and Norway.

Then there is what conservation groups are calling energy sprawl and which we are only beginning to come to grips with. One nuclear plant generates 1,000 megawatts and occupies 1 square mile. One big solar thermal plant with giant mirrors generating the same 1,000 megawatts in the western desert will occupy 30 square miles. That is more than 5 miles on a side. To generate the same 1,000 megawatts with wind, you would need 270 square miles of 50-story wind turbines. That is an area more than four times the size of Washington, DC, or that is an unbroken line of turbines along our ridgetops from Johnson City, TN, to Harrisburg, PA. If wind farms move offshore, you would need to line the entire 127-mile New Jersey coast with windmills 2 miles deep just to replace one nuclear reactor that sits on a square mile.

We have not even talked about when these wind farms outlive their useful life cycle of 20 years or so. Who is responsible for their removal? We have already seen this problem in Hawaii and Altamonte Pass in California. The developers should be required to put up bonds to ensure these turbines are taken down in case the developers walk away.

For those of us in the Southeast where the wind blows less than 20 percent of the time, they say use biomass, which means burning wood products in sort of a controlled bonfire. That is a good idea as far as it goes. It might conserve resources and reduce forest fires, but we would need a forest 1½ times the size of the 550,000-acre Great Smoky Mountain National Park to feed a 1,000-megawatt biomass plant on a sustained basis. It would take hundreds of trucks each day to deliver the wood to the biomass plant. It is hard for me to see how this reduces carbon emissions.

Already we are beginning to see the problems. Boone Pickens, who said wind turbines are too ugly to put on his own ranch, recently postponed what was to be America’s largest wind farm because of the difficulty of building transmission lines from west Texas to population centers. The Sacramento Municipal Utility District pulled out of another huge project to bring wind energy from Sierra Nevada for the same

reasons. The transmission lines were meeting too much opposition, particularly from environmentalists.

We hope renewable energy can be reliable and low cost enough to supplement, but when we are talking about using wind energy as a substitute for base load energy, we haven't thought about what it is going to look like in practice.

In conclusion, let's take a look at the true source of base load electricity, nuclear power. Nuclear power already produces 20 percent of our electricity and 70 percent of our carbon-free electricity. It is so profitable, there is enough to pay back construction loans and still have low rates. For example, TVA's Brown's Ferry will be repaid in 3 years not 10 as had been expected. Nuclear power receives very little in the way of Federal subsidies. All 100 plants built between 1970 and 1990 were built with private funds. The Price-Anderson insurance program for nuclear plants has never paid a penny of taxpayer money in insurance claims.

There are other myths surrounding nuclear power besides subsidies. We need to dispel those. Nuclear opponents claim we don't know what to do with the fuel. That is not true. Scientists, including the administration's Nobel Prize winning Secretary of Energy, Dr. CHU, tells us we can store used fuel safely onsite for 40 to 60 years while we work out the best way to recycle the used fuel.

We can't wait any longer to start building our future with clean, reliable, and affordable energy. The time has come for action. We can revive America's industrial and high-tech economy with the technology we already have at hand. The only requirement is that we open our minds to the possibilities and potential of nuclear power. As we do, our policy of cheap and clean energy based on nuclear power, electric cars, offshore exploration, and doubling the energy research and development will help family budgets and create jobs. It will also prove to be the fastest way to increase American energy independence, to clean the air, and to reduce global warming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

#### HEALTH CARE

Ms. KLOBUCHAR. Mr. President, I will be speaking about health care, but I did want to note, I was listening to my colleague and friend from Tennessee. I have invited him before, but in Minnesota we think our wind turbines are so beautiful, we have opened a bed and breakfast near Pipestone. Come, stay overnight, and wake up in the morning and look at a wind turbine. I guess it is all in the eye of the beholder. We are excited about the power that wind has brought to our State.

I wish to address the very important issue of health care. I first want to commend my colleague who is here with me today, Senator CANTWELL, for her commitment to passing a proconsumer health care bill that is focused on reducing cost so that it makes health care more affordable to all people.

I rise to speak about an issue that is an economic imperative—true reform in the way we pay for health care. If we don't act, costs will continue to skyrocket. The country spent \$2.4 trillion on health care last year alone; that is, \$1 out of every \$6 spent in the economy was spent on health care. By 2018, national health care spending is expected to reach \$4.4 trillion, over 20 percent of our entire economy. These costs are breaking the backs of our families and businesses. Premiums have doubled in just the last 10 years.

We can see from this chart, in 1999, single coverage and family coverage. For single coverage in 1999, the premium was \$2,196, the premium an individual would pay. Now it is up to \$4,704. A family in 1999 paid \$5,791. Now they are paying \$12,680, a doubling of the premiums for families. All of the statistics, all the studies show if we don't do anything, if we just put our heads in the sand, we will see a doubling of those premiums again.

A recent study by the Council of Economic Advisers found that small businesses pay up to 18 percent more than large businesses to provide health care insurance for their employees, often forcing these businesses to lay off employees or cut back on coverage.

I met with farmers today. I have met with cattle ranchers. I met with people who are farming and trying their best—self-employed. I have met with a small business up in northern Minnesota in Two Harbors called Branite Gear, a backpack company. They make fine backpacks for our troops. Do you know how much the owner of that company now pays for health care for his family of four: \$24,000. He said he now employs 15 people. If he would have known this back 15 years ago, when he started that company, he wouldn't have started it then. He is proud of that company, but his small business cannot afford to pay this kind of money.

These costs are also breaking the backs of American taxpayers. At the current rate of spending, Medicare, such a crucial program for our seniors, a safety net, something they must have, is scheduled to be in the red by the year 2017. So those people who are 55 years old and want to have Medicare should care about cost reform. If you are 65 years old and you plan to live a great life until you are 95 or 100, you should care about a strong Medicare that isn't going in the red.

A recent Congressional Budget Office estimate shows that the majority of the projected \$344 billion increase in Federal revenues in 2010 are scheduled to go automatically to cover the rising

cost of health care. To put it simply, my bottom line for health care reform is that we must get our money's worth from our health care dollars. Right now that is not happening.

With 92 percent of our population covered, Minnesota is fortunate to have one of the highest coverage rates of health insurance in the country. Part of that is we have very good health care. We have a lot of nonprofit health care insurance agencies. We also have Minnesota Care which extends coverage to so many of our people who can't afford it. As any Minnesota family or business knows, the price of health insurance coverage has been going up faster than almost anything else, much faster than wages. People are worried about the stability of their coverage. That is where I have found unity between Democrats, Republicans, and independents. People want stability. They don't want to be thrown off because their kid gets sick. They want coverage, and they want their kid to have coverage. If they change jobs, they want to keep their coverage, and they also want more affordable health care.

I have been pressing Senate colleagues and the administration to make sure we have reform that results in more affordable and more accessible health care coverage. The problem is, we are paying too much. We are not getting a good return all the time on what we pay. The solution must be to get the best value for our health care dollars; otherwise, costs will continue to wreak havoc on the budgets of government, businesses, and individual families.

The root of the problem is that most health care is purchased on a fee-for-service basis so more tests and more surgeries mean more money. Oftentimes those surgeries and tests are completely unwarranted. We want quality, and we want outcome to be the measure of good health care. Quantity, not quality, is what pays right now.

According to researchers at Dartmouth Medical School, nearly \$700 billion per year is wasted on unnecessary or ineffective health care. That is 30 percent of total health care spending.

My favorite story is about an HMO in the southwestern part of the United States that said: Let's look at a better way to treat diabetes. Instead of having people trying to get in to see their doctors, we will have them seen by nurses and nurse practitioners, and we will have it overseen by two endocrinologists. They actually saw health care professionals more often and quality went up. Costs went down. And guess what. They got reimbursed less for that system because of the way our current system rewards quantity over quality.

This chart says \$50 billion. The reason it says \$50 billion is that an independent study from Dartmouth looked at how Mayo Clinic, one of our premier health care institutions, treats chronically ill patients in their last 4 years



of life. Quality is incredibly high. What they looked at was the Mayo protocol; if we use that in hospitals all over the country, how much would we save? You would think it would cost more because it is higher quality. You would actually save \$50 billion in taxpayer money every 5 years just for this set group of patients, if the Mayo protocol was followed, because they have integrated care. They work as a team, and they are careful and do what the patient wants. They put the patient in the driver's seat.

In Minnesota we have several examples of this coordinated, outcome-oriented system, not just the Mayo Clinic but also St. Mary's in Duluth and Health Partners that has done some groundbreaking work with diabetes. As this chart shows, on spending per patient, just using the Mayo protocol for chronically ill patients, \$50 billion would be saved every 5 years.

To begin reining in costs we need to have all health care providers aiming for high-quality, cost-effective results. We must take significant steps to ensure that Medicare remains available for future generations. I want to be able to get Medicare and so do those people who are 65. To do that, we have to make the system efficient and cost-effective with the highest quality. Let's reduce those hospital readmissions, have less infections in the hospitals. Let's put those kinds of Mayo quality standards in place like we see at the Cleveland Clinic and other places across the country.

These policy changes are important steps to make sure Medicare is paying for the outcome of treatment, not the number of treatments.

We have seen basic outlines from the Finance Committee bill, but we haven't seen it yet. I support the committee's efforts to develop a national program on payment bundling. In too many places, patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes. To better reward and encourage this collaboration, we need to have better coordination of care and less incentive to bill Medicare purely by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start encouraging quality integrated care.

When it comes to improving care, changing who pays the doctor isn't as much the issue right now, when we are looking at improved care, as it is changing that payment system.

The lesson of high-quality, efficient States such as Minnesota is that someone has to be responsible for the care of the patient from start to finish. Bundling will help encourage hospitals, doctors, and post-acute care providers to achieve savings for the Medicare Program through increased collaboration and improved coordination.

One of the interesting things I don't think people always know about is, they say: If we save money, will that

mean worse care? The answer actually is no. It is the opposite.

Does higher spending equal better care? In fact, when we look across the country, higher spending does not equal better care. In fact, it is the opposite. Here we have a chart that shows the highest quality care in the country with the lowest utilization, where they are most cost efficient.

Maybe you know your doctor well. You go to the specialist they refer you to so you are not running around with your x-ray to 15 different specialists not knowing who is better. Look at this: highest utilization has the lowest quality care.

Research has shown moving toward a better integrated and coordinated delivery system would save Medicare alone up to \$100 billion per year. Because Medicare is the single largest purchaser of health care, linking payment to quality outcomes is essential to improve health care outcomes for everyone.

We must also stop paying for care that doesn't result in quality results. Reducing preventable hospital readmissions—and I am hopeful this will be in the Senate bill—is vital to curbing the wasteful health care spending plaguing our national budget. In one year, hospital readmissions cost Medicare \$17.4 billion. A 2007 report by MedPAC found that Medicare paid an average of \$7,200 per readmission that was likely preventable. Who wants to go back in the hospital? I don't think anyone wants to go back in the hospital. So not only are we getting lower quality care because certain quality parameters are not met, we are also spending more money for it.

I am encouraged that the Finance Committee's outline includes a provision that calls for reduced payments to hospitals for preventable readmissions. We know there are some readmissions that are going to happen. It happens all the time—preventable readmissions. Paying for quality results also means reducing hospital-acquired infections. We should not have to pay for an infection that comes as a result of a hospital stay itself. No one wants to get an extra infection in a hospital, and there are vast differences among hospitals in those infection rates. So let's put those quality protocols in place.

Third, we need to better reward integrated care systems. At places such as the Mayo Clinic, a patient's overall care is managed by a primary care physician in coordination with specialists, nurses, and other care providers as needed. It is one-stop shopping.

It reminds me of a football team. We do not have 10 wide receivers running around, running into each other, just like we would not have 10 specialists in health care. We have one quarterback who is a primary care physician, and then we have a team that works together. That is what we want to encourage in the health care system to save money.

To better reward and encourage this collaboration, we need to encourage

the creation of accountable care organizations. These are groups of providers that work together, as they do in Minnesota, to deliver quality, coordinated care to patients. We want to put incentives in that reward this kind of care.

The President stood before his health care summit and asked: Why should Minnesota be punished when it rewards, when it creates this kind of good, high-efficient care? The sad thing is, right now it is because when we just base pay on volume and we do not pay any attention to what the results are or what the infection rates are or what the readmission rates are, we are not getting that kind of quality care people deserve.

The last thing I want to focus on is something Senator CANTWELL, who will be speaking after me, and I have been so focused on right now; that is, putting some kind of quality index in place. The proposal here is to move us toward a system that links quality to cost. Right now, we do not have that in place. I believe we need to do more in the finance bill than we even have in the House bill to get this value index in place. This is a bill I have introduced.

Senator CANTWELL is one of the lead sponsors, as well as Senator GREGG of New Hampshire.

The indexing will help regulate over-utilization because those who produce more volume will need to also improve care or the increased volume will negatively impact fees.

This legislation will authorize the Health and Human Services Secretary to create a value index as part of the formula used to determine Medicare's fee schedule.

By adding a value index, our bill uses cost measures that are structured to allow areas with justifiably higher costs—and we know there are different costs around the country—to compete on an equal playing field with lower cost areas. Rewarding value in this way would give physicians a financial incentive to maximize the quality of their services instead of the quantity.

Linking rewards to outcomes creates the incentive for physicians and hospitals to work together to improve quality and efficiency. This proposal would also work in tandem with other proposals—like those being advocated by others and those I have mentioned today, the coordinated, integrated care, the bundling, and other ways—to improve the Medicare payment system.

We know there are also other ways, and I will end with just mentioning these—that we can improve efficiency in health care spending: One, as a former prosecutor, I care a lot about this, to reduce Medicare fraud. Law enforcement authorities estimate that health care fraud costs taxpayers and costs those seniors on Medicare more than \$60 billion every year. This is as much as 20 percent of total Medicare spending. There are ways, and we have some bills that have already been introduced, to greatly reduce this.

Secondly, something the President raised in his speech before Congress is this idea of looking at malpractice reform. I can tell you, in Minnesota, in 2006, we had the lowest malpractice premiums in the Nation. Areas like ours, with more efficient care, tend to have lower malpractice premiums, and that is what our doctors want.

One of the things we have is a certificate of merit system that has been implemented in a number of States and goes hand in hand with efficient care, requiring a medical expert to sign off on any complaint, and it has worked.

We need to reform our health care system. I am so proud to be in the Chamber with my colleague, Senator CANTWELL, a member of the Finance Committee, who has been, day to day, night by night, advocating for this kind of reform. We want our seniors to stay on Medicare and have the kind of safety net they deserve. We want people who are 55 years old to be able to get Medicare when they are the age to get Medicare. The way we do this is by actually increasing quality and decreasing costs.

We do this in the State of Minnesota. We know we can do it in other places of the country. I plead with my colleagues on the Finance Committee that we have to look at the long-term costs if we are going to bring reform. We have outlined some ways to do this today. We look forward to working with people from all over the country. But this has to be a major element of reform.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Washington.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Ms. CANTWELL. Thank you, Madam President.

Madam President, I rise to talk about the health care reform bill and the most urgent need to make sure we have provider reform as part of the insurance reform package.

I thank the Senator from Minnesota for her leadership on this issue. She has hit the ground running when it comes to the issue of health care reform, advocating for changes in policy and introducing legislation at the beginning of this year called the value index legislation. I am proud to be a sponsor of that legislation and proud we have worked together so diligently to try to communicate why this is so important for America.

Clearly, Minnesota has had good results and is leading our country in the kinds of health care practices we need to adopt. Senator KLOBUCHAR has been able to put that into legislation and to champion that legislation and to work on the floor organizing colleagues from like States to communicate this issue.

I am happy to be joining her in the letter we are sending to our Senate leadership and

to the President of the United States talking about why it is so important to get these reforms adopted.

So I thank her for being out here this evening to communicate this important public policy area, and, again, for having Minnesota be front and center in this debate.

What we are trying to address is an urgent problem; that is, the Medicare system, basically—if we do nothing—is going to go broke. It is doubling in its cost to the Federal Government.

We are talking about reform. We are talking about adding more people. So if we look at Medicare spending and where we are today and the amount we are going to see in the future, we know we are quickly growing that number—from 2009 to 2015—to be over \$1.2 trillion. So the cost of this—of Medicare doubling over 10 years—is something we know as a country we cannot sustain.

Without health care reform—without even the discussion of adding the uninsured—we know we cannot sustain the doubling of Medicare in the next 10 years. So we need to change the system.

We know what the cause of this crisis is, too. There are many elements to health care and health care costs, but we know from the many hearings and testimony we have had from experts that the fee-for-service system is driving up the cost of health care. Fee for service rewards providers for the quantity of services they provide without regard to whether those services benefit the patient.

I ask my colleagues if they have ever experienced this situation I am about to describe because I know many Americans will tell you this is exactly what they have experienced. Have you ever asked yourself why your physician, while you are in the middle of a health care appointment, seems so hurried? Have you ever asked yourself why the doctor seems so hurried to go to the next appointment?

Well, the reason is because that is the way we pay doctors. We pay doctors by the number of patients they see and the number of procedures they order. So the system we have today actually creates an incentive for doctors to spend as little time with each patient as possible.

If we think about that, if we think about where our health care system is today, how is that good for delivering outcomes? How is that good for making sure the patient gets the best care?

I want to make sure I am clear. This is not the fault of the doctors. They are just following the rules of the game as it is being played today. Indeed, many physician organizations are advocating the changes in organizational structure that the Senator from Minnesota and I are advocating. They understand it is a daunting task to reform health care. But in this case, they know the problem is simple enough to grasp. All we have to do is follow the money, and what we see in both private insurance

and Medicare is that we are routinely paying for duplicative or inefficient care. Then the cost of Medicare and the cost eventually to taxpayers skyrockets.

So if we look at the fee-for-service model, it is pretty clear. It is a feedback loop. In business, in technology we call this a positive feedback loop because it just feeds each other because we have more use, we order more tests, we have more duplication of services, and we have more spending, and the cycle just keeps going and it keeps perpetrating itself. The end result is, we just keep adding costs to our system.

Nowhere is there an outcome that is judged here, nor is there a value to the patient. It is a fee for service that just generates more spending. We cannot emphasize that enough because the current system promotes an overutilization of what are scarce health care dollars and resources.

As one national study shows, there is an estimated \$700 billion a year in wasted health care dollars. That is health care spending that may not even be—certainly it is wasted dollars. Some people have said it can even do harm in the way the money is spent.

So we are out here today advocating for a different model. We are out here saying it is good to talk about insurance reform, but if Medicare is one in every five health care dollars and Medicare is driving health care spending, it is also driving expensive health insurance. So if we have expensive fee-for-service Medicare that is helping to waste precious Medicare dollars, you bet it is also driving expensive health insurance.

The good news is, we already know there is a viable alternative. The reason we know that is because we know there are States such as Washington and Minnesota and many others across the country that have put some of these new practices into place. We know they are working in the real world. In some parts of the country, we have reforms that have reversed these trends and they have cut costs and they have put the emphasis where it belongs.

The bottom line is, they put the patient first. Imagine that: putting the patient first—not the number of procedures ordered, not the number of people seen, but putting the patient first by making sure we are focusing on their outcomes.

These States and parts of the country have done this by organizing a delivery of care system so the doctors can take the time with their patients, and they can take the lead in coordinating their care. Patients in these delivery systems get better access to their physicians, they experience shorter waiting times, they benefit from coordinated care that is provided by their primary care physician and other health care individuals, and the health care outcomes are better.

In fact, if we look at some of these States, and we look at some of the individual criteria, who in America



would not like shorter waiting times to get to see the health care provider they need to see or better access to doctors or to have one doctor coordinate with their other health care providers their specific needs and treatments and to guarantee better outcomes?

On this chart is data from the Robert Wood Johnson Foundation from 2008 of what we get when we put a coordinated care delivery system in place and we integrate the care of the individual in the delivery system. So this kind of delivery system is good for individuals, but it is also good for the taxpayer because not only does the patient benefit, we cut down on the bureaucracy and that \$700 billion of wasteful spending I talked about a few minutes ago.

So I believe every part of the country ought to take heed of this phenomenal result and the fact that, as my colleague from Minnesota said, we could save the taxpayers over \$100 billion a year if we made this change to coordinated care across the country.

When Medicare is structured in a way that it encourages better quality and more efficient care, we will also see the price in private insurance go down as well because the cost of correlation of Medicare driving private insurance is there.

So my colleagues who come from States that have more expensive Medicare might think that is somewhat of a benefit, but I guarantee it is also driving more expensive private insurance and your citizens are not getting the best care. This Robert Wood Johnson Foundation study proves that. If we were looking at other States, all these checkmarks on the cost and utilization would be high.

So we know the health care debate puts us at a crossroads. It puts us at a crossroads about what we are going to do about our current health care system. We can either fix these problems or we can exacerbate it and make it worse. We all want to help the uninsured in America, but to add more people to this health care system, to cover more people under health care without changing the way we pay for Medicare is going to explode the Federal deficit. So we want to make sure we don't exacerbate this problem.

As the Senator from Minnesota said, her home State has implemented these things. So has Washington State. We know that where health care costs are managed efficiently, we are producing great results. But we know the gap between these reimbursement rates in other areas of the country is still leaving us with inefficient delivery systems, and we know that for our States, we are delivering efficient care. If you continue to have inefficient systems in other parts of the country that pay more but are less efficient and don't deliver patients better care, you are going to continue to have health care practitioners migrate to those areas. That is why fixing the health care system but not addressing this issue is not a real solution for us because we can-

not continue to see people from Washington and Minnesota and other places migrate to high-cost, high-paid doctor States, with no guaranteeing of better outcomes but certainly more pay for physicians.

We know the fee-for-service model is bleeding our country, and we know we need to make changes to that. We need to have a quality care system. So that is why I joined Senator KLOBUCHAR at the beginning of the year in introducing legislation for a value index and that is why we have been fighting in the Finance Committee to add these kinds of reforms to the system. I am very proud the Finance Committee is looking at insurance reform, to ban practices such as excluding individuals just because they have a preexisting condition, but provider reform in how Medicare is delivered is as crucial to delivering a good health care system in America. We are advocating that we have a health care system that puts the patient first, that puts them in the focus of how physicians get paid.

We do this specifically by striking a blow against fee for service and replacing it with a model that allows physicians to spend more time with their patients, to better coordinate their care, to provide them with preventive care for the future, and to make sure they are getting the quality of care they deserve. As one of my constituents came into my office to talk about this said: I don't want to be medicated, I want to be cured. What she meant is don't just write me a prescription and tell me to go away; I want you to focus on my specific health care needs. That is what so many people think about our health care system. At a time when we do have advances in new technologies and preventive care and wellness, that can get our consumers focusing on their own health care needs.

So our proposal changes the current payment incentive structure by using a new value index to measure the quality and efficiency of service. And only by replacing the fee-for-service system with this new value index will we start to control health care costs. According to testimony before the Senate Finance Committee, this is where we are going to get our biggest savings in health care cost reduction. The fee-for-service system, as one of the witnesses said, is the most broken part of Medicare. Under the value index system that we are proposing, the Federal Government would do much better and taxpayers would do much better in making sure we do not see that doubling of Medicare rates.

That is why my colleagues and I are sending a letter—and I see my colleague from Washington on the floor, Senator MURRAY, who several years ago introduced the MediFair legislation; legislation that said we have to have fairness in the way Medicare dollars are spent around the country. We can't continue to incent areas of good practice while we are warning areas of inefficient care, and she has been a

champion behind this issue for many years. So I appreciate her being on the floor because I know she cares passionately about this issue as well. I guess that is the point.

Those of us who are from these regions are tired of providing efficient, coordinated care and not—I think the Presiding Officer is from one of those States. You can't believe the frustration we have of going to community after community, knowing we provide better outcomes, knowing we provide better care, knowing people have made it work on the lowest margins possible. Yet people are leaving our States because they can go make a better buck somewhere else off the inefficient health care system we are delivering. It would be one thing if they could make that quicker buck by going to some State and they were saying: You know what. We are more expensive, but we deliver more care. That is not what the Robert Wood Johnson Foundation says. It says they don't deliver better care. If you can imagine, if you have that fee-for-service model, where you are spending more and ordering more and out of time and so you order all that, how are you getting the best outcomes? You are throwing a lot of money at it, but you are not focusing on what is the real quality of care to deliver to that patient.

I know my colleagues on the Finance Committee are trying to focus on health care reforms for the overall system. There are various proposals that I am sure we will see tomorrow as this draft legislation comes out talking about value-based reforms for hospitals and pilot programs for certain regions and accountable care organizations which can help, in the long run, drive down costs by having global health care budgets. But I would say to my colleagues we cannot just have tweaks to this system. We can't just have pilot programs. We can't just gently turn the wheel of the Titanic and think it is going to avoid the catastrophe we are going to see if we don't reform Medicare.

So we will be working hard in the next couple weeks. As I said, we are sending a letter to the President and to the leadership here that it is time to fix this system; that we have the opportunity to have a 21st century health care delivery system, with all the great information and all the great technology that is out there, but this system can't keep rewarding insurance companies by 435 percent annual profits just because our whole system is set up to order more. Because this isn't about paying for volume. The point is not to pay for volume; it is to pay for value. We want to make sure we are paying for that value and not just the fee-for-service volume system that currently doesn't put patients first in America.

So we will be working hard to get these implemented so we can support this health care legislation.

I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2366, AS MODIFIED

Mr. LAUTENBERG. Madam President, I seek recognition because in front of us we have a proposal I think could be very damaging to our country. An amendment has been proposed that I consider unnecessary and potentially dangerous which is being offered by the Senator from Mississippi, Mr. WICKER.

What we are finding is that there is a challenge to whether Amtrak can continue to operate after the 1st of October. It has been modified, but initially it would propose a ban put on Amtrak's operations unless guns can be carried in baggage on Amtrak trains. While that is an issue that could be discussed—think about it: Amtrak carries 28 million people in a year, and Amtrak produces far less toxic emissions and is much more energy efficient. We have been delinquent for so many years in investing in good railroading. In this advanced country, in this, the richest country in the world, no matter what our economic condition is, it is incomprehensible for that kind of a choice to be put forward: Either you carry guns in our trains—in your baggage on our trains or else we shut down the railroad.

It is preposterous when you think of the services that are offered, not just directly on the Amtrak trains but on the Amtrak tracks where, in many States, it is also used by commuting services. It would cripple the functioning of our country. It is outrageous that, at this point in time, when we have worked so hard to generate funding for Amtrak to improve the service, to bring it up to the 21st century, and it is suggested that maybe we ought to shut it down because we have a disagreement about whether guns can be carried in baggage on railroad cars.

This amendment now has moved the time period to discontinuing the service in March. Well, I don't know what the value of that is, very frankly. If that kind of a threat hangs over us, do we continue to invest billions of dollars? Do we try to get private investors to buy Amtrak bonds? I don't think so, not when we face a threat such as that.

Last fall, this Chamber voted overwhelmingly, 74 to 24, to reauthorize Amtrak and modernize our Nation's passenger rail system and, oddly enough, the Senator from Mississippi voted for this legislation. Amtrak has made much progress because of that new law, but the amendment on the floor would undo all that.

The Wicker amendment, as I said earlier, would completely shut down our Nation's passenger rail service. That is hardly a thing to do when our infrastructure is so severely degraded because of a far greater use than we ever expected. I wish to be clear. This amendment would hardly give Amtrak any time before it might be required to start allowing firearms to be carried on its trains. At this moment, Amtrak will tell you they don't have the means to carry these guns securely and safely.

Senator WICKER noted in 2004 Amtrak made a decision to stop transporting guns in the name of security. Why did it happen in 2004? I remind those who can hear that it was September 11, 2001, and the terrorist attacks in Madrid which reminded us that railroad travel organizations are an attractive target for terrorist attacks.

Amtrak determined it lacked the ability to securely transport checked firearms. It is a decision that was not casually made.

I wish to be able to work with the Senator from Mississippi and Amtrak to see if we can develop a reasonable plan so that passengers can safely and reasonably transport guns in checked bags on Amtrak train. I don't agree with it, but I am happy to discuss it, in deference to Senator WICKER. When you think of what Amtrak means in our country, I remind you that on September 11, when the World Trade Center came crashing down, taking with it almost 3,000 lives, the only way you could get there on that day, and a couple days thereafter, was by train, by Amtrak. Aviation was shut down across the country and in much of the world. Highways were jammed beyond effective use. But Amtrak was there to help. And to say that our security doesn't raise the issue of whether we can transport guns on Amtrak—that doesn't make sense to me.

If Senator WICKER's amendment is adopted, all Amtrak trains across the country, and those that use Amtrak's tracks, could come to a complete halt in a matter of months.

It is outrageous to propose something this crippling over an issue that can be resolved. Yet, the Wicker amendment threatens to leave us with no passenger rail service in America. We cannot afford to sabotage our passenger train service to meet this crazy timetable—and I say crazy. When you think about it, for years, we fought to get Amtrak standing as it should be, the principal rail service in a country like ours. Amtrak was created in 1970, taken out of private hands and put into government hands as a quasi-government corporation. We are spending \$1.5 billion a year to bring Amtrak up to current standards. The Recovery Act included \$8 billion for high-speed rail, plus the President's budget called for a billion dollars annually for 5 years. By comparison, foreign governments—in 2005, France's national railway agency got \$8.3 billion in government spending. I said it was \$1½ billion in America, and France spent \$8.3 billion. Why? Because it is efficient. It reduces toxic emissions and the dependency on foreign oil. Germany spent about \$9 billion annually on passenger rail service. Spain has a plan to spend \$150 billion on rail from 2005 to 2020, or an average of \$10 billion a year. And we are trying to play catchup now.

Since 1971, a total of \$33 billion has been spent on Amtrak. That is almost 40 years, averaging less than a billion dollars a year, as we see what other

countries have done. Ridership on Amtrak, in 1988, was 21 million. In 2008, it was 28 million. People are turning to Amtrak because they know it is a very respectable way to travel, if it is available to you.

So when we look at that and see that the growth of ridership is so substantial, that tells us we ought to figure out ways to do things differently. When we look at the whole picture, frankly, it brings a lot of concern when you think of the demand for Amtrak services. Amtrak, in the last year, had 28 million riders. For instance, New York City, the financial center of the world and the country, is dependent on the functioning of that financial system. We saw what happened when it almost broke down in these last months. In an average day in New York City, more people travel through New York's Penn Station than John F. Kennedy Airport, LaGuardia, and Liberty Airport put together on the same day. Penn Station—more people travel through there than all three of those airports in a day. And unless guns are permitted to be put aboard a train, we should shut down Amtrak? We should punish the American people because we cannot have guns travel on Amtrak trains? This cannot be justified by any stretch of the imagination.

Also, we fail to look at something else. When we put people on Amtrak, we free up room in the skyways and on the highways. I cannot tell you how often I often fly between here and New Jersey, my home State, and I have had a pilot say welcome aboard such-and-such airline, and we will be departing soon for a 45-minute flight to Newark Liberty Airport. We get on the plane, the doors close, and they move us away from the gate, and the pilot gets on and says: We just learned that in the New York area we have a 2-hour delay, so we sat there looking at one another crossly. Everybody was angry and upset. If I had taken Amtrak—I came down yesterday in just over 2½ hours. What a difference. Very often, airplane trips less than 250 miles are the slowest means of travel because of the delays from airport to airport, and because of weather, et cetera. There are hardly any highways that I travel in the country, as my colleagues do—no matter what city you go to, if it is during particular hours, you cannot get there from here.

I have been in the Senate now for 25 years. When I first came to Washington, the ride from where I live was about a 12-minute ride. Now, in the evening, I can wait a half an hour while red lights change to green and traffic doesn't move. Go by rail. We see what happens in a reasonable facsimile, when you look at the Metro, a very successful operation here in Washington, DC. People want the convenience, the reliability, and they don't worry about the weather. It makes us feel better about our time spent. We get home with the family, and we get

to work on time, and we get to the doctor, and other places you have to go on a regular basis.

I hope my colleagues in the Senate will look at this and say it could be an important issue for some people—certainly, for some particular interest. Typically, it is the NRA pushing this interest, but discounting that, people have a right to vote. But I plead with my colleagues, please, don't punish the American people, or the American economy, and don't take the chance for that disruption, and don't diminish our ability for rapid movement if we have to in a moment of threat.

I hope the vote will say if you want to have this discussion, let's have it, but don't put a sword hanging over the head of Amtrak.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of the floor?

The PRESIDING OFFICER. The Senate is considering H.R. 3288.

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. tomorrow, September 16, the Senate resume consideration of H.R. 3288 and Senator COBURN be recognized for up to 30 minutes and that Senator MURRAY be recognized for up to 10 minutes; that upon the use or yielding back of that time as has been specified, the Senate proceed to vote in relation to the amendments in the order listed below, with no second-degree amendment in order to any of the listed amendments prior to a vote in relation thereto; that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in any sequence the succeeding votes be limited to 10 minutes each: Coburn amendment No. 2374; Coburn amendment No. 2377; Coburn amendment No. 2371; Coburn amendment No. 2370; Coburn amendment No. 2372; Wicker amendment No. 2366, as modified; and Vitter amendment No. 2376.

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

Mr. REID. Mr. President, I am going to send to the desk—I think it is already there—cloture motions on the substitute amendment and on the bill. I am certainly hopeful that cloture will not be necessary. Senator MURRAY is a wonderful manager. She does great work. She is working to come up with an agreement that will provide for consideration of other amendments to the bill, but we have not been able to get consent. I hope we can.

We have just entered into an agreement which will provide for votes in relation to seven pending amendments.

There are at least two pending amendments that will not require rollcall votes. Maybe some of the others won't. Members should expect up to five rollcall votes tomorrow morning starting around 11:30.

#### CLOTURE MOTION

Mr. President, I have at the desk a cloture motion on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 3288, the Transportation, HUD and Related Agencies Appropriations Act for Fiscal Year 2010.

Harry Reid, Byron L. Dorgan, Mary L. Landrieu, Jon Tester, Patty Murray, Jack Reed, Daniel K. Inouye, Richard J. Durbin, Mark Udall, Bernard Sanders, Patrick J. Leahy, Ben Nelson, Frank R. Lautenberg, Michael F. Bennet, Tom Udall, Blanche L. Lincoln, Herb Kohl.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3288, the Transportation, HUD, and Related Agencies Appropriations Act for Fiscal Year 2010.

Patty Murray, Daniel K. Inouye, Al Franken, Jon Tester, Benjamin L. Cardin, John D. Rockefeller, IV, Charles E. Schumer, Mark Begich, Mary L. Landrieu, Mark Udall, Byron L. Dorgan, Frank R. Lautenberg, Robert Menendez, Patrick J. Leahy, Dianne Feinstein, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum as required under rule XXII be waived.

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

#### MORNING BUSINESS

Mrs. SHAHEEN. 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.

#### ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. REID. Mr. President, I rise today to call attention to the upcoming anniversary of the signing of the Constitution of the United States of America. September 17, 1787, will mark the 222nd year that has passed since that final

meeting in Independence Hall, when 39 delegates supported the adoption of the Constitution.

Beginning on May 25, 1787, 55 delegates gathered almost daily in the State House in Philadelphia to revise the Articles of Confederation. By the middle of June, it became apparent to the delegates that merely amending of the Articles of Confederation would not suffice. These inspired men worked together to form a new government that would embody the principals of liberty, democracy, and equality. What resulted was an entirely new document designed to bind the individual States more firmly into one nation by ceding greater power to the central government while still respecting the sovereignty of the States and the rights of the people. After being signed in September of 1787, Congress sent printed copies of the Constitution to the State legislatures for ratification. By June 21, 1788, nine States had approved the Constitution, finally forming "a more perfect Union."

The Constitution of the United States of America stands today as our Nation's most sacred and inspired document. It is the oldest Constitution in the world and an enduring legacy of a generation of patriots eager to provide liberty and protection to the citizens of this new country. The Constitution is the basis for our laws, our rights, and our responsibilities as Americans. It is a gift for which we all should be grateful. As President Coolidge once remarked, "To live under the American Constitution is the greatest political privilege that was ever accorded to the human race."

As our country continues to age, year by year, the importance of the Constitution will never fade. It is a living document, and is as relevant now as it was to its framers in the 18th century. I call upon my colleagues in the Senate to join me in celebrating the signing of the Constitution, and in turn, the assurance of our freedoms as citizens of the United States of America.

#### CELEBRATION OF CARBON DAY

Mr. DURBIN. Mr. President, this year, the State of Illinois has designated September 15, 2009, as Carbon Day. As an official State holiday, communities across the State are encouraged to focus on reducing our State's carbon footprint and preserving our environment. Schools, organizations, businesses, and communities throughout Illinois will participate in organized events ranging from tree plantings to those promoting recycling and composting.

Carbon Day allows Illinois residents to find their own ways to help reduce greenhouse gas emissions and participate in the fight against global warming. Most of us don't think too much about how our daily activities contribute to greenhouse gases. This new State holiday asks people to think about that and offers ideas each of us can use to make a difference.