

It is outrageous that the Libyan Government would so blatantly disregard the suffering the families have endured for more than two decades. S. Res. 253 demands the Government of Libya apologize for the gross homecoming celebration of al-Megrahi.

This resolution does three important things: First, it condemns the August 20, 2009, release from prison in Scotland of Abdel Baset al-Megrahi, the lone person convicted in connection with the 1988 bombing of a Pan Am flight over Lockerbie, Scotland, that killed 270 people; second, it condemns the lavish welcome home ceremony held in Tripoli to celebrate the release of al-Megrahi; and third, it calls on the Government of Libya to apologize for the public celebration of al-Megrahi's release.

Al-Megrahi only served 8 years in jail. He committed one of the most dastardly terrorist attacks that has been known in the last 100 years. Eight years later, the families haven't recuperated. They live with their losses every day, every minute. There is a hole in their hearts that will never heal. To release al-Megrahi is terrible; to celebrate the release of this awful terrorist is even worse. And for the world to remain silent, the U.N. not to condemn but to greet Qaddafi—strike three. It is an awful situation.

I call on the Senate to support S. Res. 253 condemning the release and the vile welcome home celebration. I hope all Senators will join us in co-sponsoring the resolution. Murder and terrorism are not forgivable offenses, and refuge should never be offered to those determined to terrorize and murder the innocent. If we do so, we are encouraging future terrorists to repeat these awful crimes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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#### COMMENDING SENATOR MEL MARTINEZ

Mr. COCHRAN. Mr. President, I was deeply saddened by the recent announcement of the distinguished Senator from Florida, Mel Martinez, that he had decided to resign from the Senate. Although he had served in the Senate for a relatively short period of time—since January 4, 2005—he had become a very important influence in this body.

As the first Cuban American to serve in the Senate, he shared with us his personal experiences and insights into his early life in Cuba, including his separation from his parents at a young age as he traveled to Florida to embark upon a very successful new life of learning and leadership in the United States. He earned undergraduate and law degrees from Florida State University. He served as a member of the Orlando Utilities Commission and was elected Mayor of Orange County. President George W. Bush selected him to serve as a member of his Cabinet, as

Secretary of Housing and Urban Development. He was elected a United States Senator in 2004 and quickly established himself as an effective advocate for his State in the Senate.

Mel Martinez quickly became an active and influential member of the Armed Services Committee as well as the Banking, Housing and Urban Affairs Committee, and the Commerce, Science and Transportation Committee. His constituents benefitted in particular from his service as ranking member of the Senate's Special Committee on Aging.

Mr. President I congratulate my friend from Florida on his very successful service and important contributions through his dedicated public service in Florida and in our Nation's Capital. I have enjoyed serving with him, and I wish him all the best in the years ahead.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports bi-annually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

Vitter motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Vitter amendment No. 2508 (to the instructions on Vitter motion to commit the bill), to prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the floor is now open for amendments to the Interior bill. I hope Senators will come to the floor if they have an amendment. The filing deadline is 1 o'clock this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I say to the Senator from California that I join her in urging our colleagues to come to the floor and offer their amendments so we can move on through the bill. There is an opportunity to offer them and to debate them.

Mr. President, if someone comes to the floor I will finish quickly so they can take the floor and we can move on with the bill, but while we are waiting for that, I ask unanimous consent to speak as in morning business.

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

#### CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, with great respect to the President of the United States, I am still shaking my head a little bit in disbelief at his speech yesterday on climate change at the Climate Change Summit in New York. Here we had 100 leaders from around the world in our country to talk about climate change and the President said what he has said before, which is that we need to stop putting so much carbon in the air because carbon is the principal greenhouse gas that contributes to climate change, in the opinion of most scientists.

But in saying that, the President did not mention the one way we have to create a lot of low-cost electricity without putting any carbon in the air, and that is nuclear power—a process that the United States invented; a process that the United States operates more efficiently than any other country in the world. It produces 19 percent of our electricity, and our plants operate 90 percent of the time. Even France, which gets 80 percent of its electricity from nuclear power, only operates its plants 80 percent of the time. He failed to mention nuclear power even though it produces 70 percent of our carbon-free electricity, and even though every one of the other top five carbon emitting nations in the world are committed to a full-scale construction program for nuclear power.

This is what the President said:

The developed nations that caused much of the damage to the climate over the last century have the responsibility to lead—and that includes the United States.

Well, according to the Wall Street Journal on Monday, September 21, in its news pages, we know who produces the carbon: China is No. 1—6 million metric tons; the United States is No. 2—nearly 6 million metric tons. So we produce about the same. Russia is next—1.7 million; India is next; Japan is next. Those are the top five carbon emitting nations.

President Obama lectured other countries when he said:

But those rapidly developing nations—

And here he means China and India—that will produce nearly all the growth in global carbon emissions in the decade ahead must do their part as well.

He is right about that. The President went on to say:

We cannot meet these challenges unless all the largest emitters of greenhouse gas pollution act together. There's no other way.

He is right about that. But then, to my great astonishment—and I am sure to others—he stopped there and he basically was saying to China and to Russia and to India, as well as Japan: You must do something about carbon. We are going to take the lead. Yet they all are building nuclear power plants that emit zero carbon and we haven't started one new reactor in 30 years, even though we invented it. How can the President of the United States lecture other countries about the carbon they produce—the principal greenhouse gas—when they are expanding the one technology that could do the most to solve the problem?

Let's be very elementary here. Coal and natural gas plants produce nearly 40 percent of the carbon when they produce electricity. The President did boast of how the United States is committed to building windmills and solar panels. In fact, his administration wants to build 20 percent of our electricity from wind turbines. These aren't grandma's windmills, these are the giant 50-story wind turbines that they want to string along the Appalachian Mountain tops, from the Smoky Mountains to the White Mountains, along the coastlines, and run 19,000 miles of transmission lines to get the power to our homes and businesses. That is the plan. And to a point, that plan can help. I mean, renewable energy—solar panels, wind turbines—is a supplement to the electricity we need. But today, wind turbines and solar panels produce about 3 to 4 percent of America's carbon-free electricity. Nuclear power produces 70 percent of our carbon-free electricity. So why not expand nuclear power? Yet we haven't built a new nuclear powerplant in 30 years.

What is happening around the world? Well, they are not slowing down. They are taking full advantage, as the world often has, of American ingenuity. We invented nuclear power here. And after we invented the atom bomb, President Eisenhower and other scientists in the 1950s said: Let's have an atoms for peace program.

So we went off on two tracks. We used nuclear reactors to operate our Navy, which we have done successfully, without incident ever since the 1950s. Admiral Rickover pioneered that. So today we have about 80 Navy vessels operated by reactors and, during the 1970s and 1980s, we built 104 nuclear reactors. This was the Atoms for Peace Program. We took what probably was

the greatest scientific invention of the last century, the reactor, and used it to produce a lot of low-cost, reliable energy—which is the dream of the world, to have a lot of low-cost, reliable energy for everyone in the world. That is the one of the single best steps toward reducing poverty and increasing prosperity.

So here we are in the United States, using our 104 nuclear reactors—not having built a new one in the last 30 years—to produce 19 percent of our electricity and 70 percent of our carbon-free electricity. But what is happening around the world? There are 44 new nuclear powerplants under construction in the world. China has four under construction. This was the first country the President would be lecturing: Do something about carbon-free electricity. So China is planning 132 nuclear powerplants and we are constructing zero. We have not constructed one in 30 years. How can we lecture China about carbon if they are building 132 nuclear powerplants, which would be enough to produce one-fourth of all the electricity the United States uses? That is more than we produce today through nuclear power.

Russia is building two a year. One reason Russia is doing it is because they want to sell their natural gas to Europe at a lot more expensive price, so they are taking advantage of nuclear power to raise their standard of living. Japan is 36 percent nuclear power today. Japan, as everyone knows, suffered under the two atom bombs that were dropped. But they have come to terms with the safe use of atoms for peace, nuclear-power-produced electricity—36 percent of their electricity is nuclear. They are building two more plants. The United States has not built a plant in 30 years.

South Korea, one of the most successful emerging countries—in America, one of those countries that the President might be saying you need to do something about climate change—they are. Forty percent of their electricity is carbon-free nuclear power and they are building eight more nuclear plants by 2015 and we have not built one in 30 years.

India, the largest democracy—we point our finger at them and say we don't have to do anything about climate change until you do. They are. They are considering a thorium reactor. They are committed to nuclear power, partly because of the agreement between the United States and the Bush administration and India, and we are helping them build nuclear powerplants. We are helping China as well. But we have not built one in 30 years.

The President even said Iran has the right to build a nuclear powerplant; not a nuclear bomb but a nuclear powerplant. We have not built one in 30 years.

France—we don't usually like to say the French are ahead of us. We have a little love-hate relationship with France, but look what they have done.

They have taken our nuclear reactor invention and 80 percent of the electricity in France comes from nuclear power. They have among the lowest rates of carbon emissions in the entire European Union. They have among the lowest electricity prices in the European Union. They are selling electricity to Germany, which is the only one of the European countries that has said they don't want any nuclear power. So they are buying nuclear power from France.

There are many other countries in the world that are using nuclear power. But as the Wall Street Journal said: China, the United States, Russia, India, and Japan produce most of the carbon. Scientists believe carbon produces 40 percent of the greenhouse gases that cause global warming and the United States is the only one of those five countries that is not committed to the construction of new nuclear powerplants.

The President's plan instead is an energy tax and renewable mandates that would force us to build more giant wind turbines. Wind turbines work some places. They don't work in my part of the country. The wind doesn't blow enough, and we don't want to see them on our mountaintops. I am a sponsor of Senator CARDIN's mountaintop removal bill. We don't want people blowing up our mountaintops and dumping the tops of the mountains in our streams. We don't want them putting 50-story wind turbines that don't turn more than 19 percent of the time up there either. So there is a growing recognition that in addition to the unreliability of renewable energy, the energy sprawl on our landscape is something we should think about.

One thing we should think about is think about where to put renewable energy installations, to make sure they are in appropriate places. The other thing to think about is are there any alternatives to renewable energy. The answer, of course, is, yes, there are alternatives to renewable energy. The principal one is nuclear power.

Let me be specific. In order to make 20 percent of our electricity in the United States from carbon-free sources, we could either build about 186,000 wind turbines—these are 50 stories tall—that would cover an area about the size of West Virginia. Or we could build 100 new nuclear reactors. We have 104 today. Remember, China is building 132. Today, nuclear produces about 20 percent of all our electricity; wind provides about 1.3 percent.

Nuclear power is baseload power because it operates 90 percent of the time. That means we could have it on almost all the time. Wind power is intermittent. It only works when and where the wind blows and there is no way today to commercially store large amounts of that electricity.

Nuclear, as I mentioned earlier, operates 90 percent of the time. Wind operates about 33 percent of the time.

When you read that you have 1,000 megawatts of electricity from nuclear,

that means you have 900 megawatts because it operates 90 percent of the time. When you read you have 1,000 megawatts of wind, that means you probably have 300 or 350 megawatts because it only operates a third of the time and, as they found in Denmark and other places, the wind often blows at night when we don't need it. We have lots of unused electricity at night.

As far as additional infrastructure, building 100 new nuclear reactors would take very little new infrastructure because you could locate them mostly on the existing sites where we now have the 104 nuclear reactors we have today. Wind turbines, on the other hand, as I said, would take an area the size of West Virginia, plus 19,000 miles of new transmission lines that would go from unpopulated areas, through suburban areas, to populated areas where people need the electricity.

What about the Federal subsidy? Sometimes people say these big new nuclear plants must have a big federal subsidy, but the fact is they do not. To produce the first 100 plants that we have, they were built without much federal subsidy. To build 100 more, the estimates are for \$17.5 billion over 10 years, including a capped nuclear production tax credit—that would build the 100 nuclear plants. To build 186,000 wind turbines the taxpayer would shell out about \$170 billion.

We hear a lot of about green jobs, let's have renewable electricity because that produces green jobs. Green jobs are good jobs. We have two big new plants in Tennessee that the Governor recruited and they make polysilicone, which is for the purpose of making solar panels. We hope solar energy works and we believe it will. Today it costs four to five times in our area what other electricity costs, but we hope the price comes down and we are all for that. But the estimate for nuclear's green jobs to build 100 reactors would be about 250,000 construction jobs. To build 180,000 1.5 megawatt wind turbines would be about a third of that, 73,000 construction jobs, and then 70,000 permanent jobs for nuclear and 77,000 permanent jobs for the wind turbines. They would be about the same.

The lifetime of a nuclear plant is about 60 to 80 years. The lifetime of the wind turbines is about 20 to 25 years. At a recent hearing which was chaired by the Senator from California, we talked with the Interior Secretary about the possibility of bonds for the developers who are putting up these 186,000 turbines. What if they wear out after 15 or 20 years, which is what they are expected to do? Or what if policies change? Or what if subsidies disappear? Or what if we decide we prefer other forms of energy? Who is going to take them down? We need to think about that, just as we did not think about abandoned mines all over the country—47,000 alone in California.

Then there is the visual impact I mentioned. If you build 100 big nuclear

powerplants, 100 reactors, they have tall cooling towers. There is a visual impact there. But you do it mostly on the sites where the 104 are today, where they are well accepted by the people in those communities and it is only 100 of them and it only takes about 100 square miles. Mr. President, 186,000 wind turbines would cover 25,000 square miles, which is an area the size of West Virginia.

I hope as we proceed, after health care, to our debate on energy and climate change, that we will take a more realistic attitude. I am one of those Senators who believe climate change is a problem. I believe humans are contributing to it. I think it is time for us to stop emitting so much carbon into the air. But I would like for us to do that in a low-cost, sensible way that permits us to keep our jobs in this country and not in a high-cost way that causes us to drive jobs overseas, looking for cheap energy. Every single Republican Senator has endorsed an energy plan that is, No. 1, 100 new nuclear powerplants in 20 years; No. 2, electrify half our cars and trucks in 20 years; No. 3, offshore exploration for natural gas, which is low carbon and oil—we should use our own while we use it; and, No. 4, doubling research and development for alternative energy. How can we make solar cost-competitive? How can we find a way to recapture carbon from coal plants? How can we have advanced biofuels? How can we find the fourth generation of nuclear energy that recycles used nuclear fuel in a way that doesn't produce any plutonium?

It is not just the 40 Republican Senators who are interested in that. I have had a number of Democratic Senators talk with me about that. Many were far out in front of the issue before I began to speak so much about it.

My hope would be that, as we look more seriously at the issue of climate change and energy, that we adopt a low-cost energy strategy. We don't need an energy tax that raises everybody's electric bill. We don't need a renewable energy mandate that requires us to put up wind turbines in the Southeast, where the wind doesn't blow, anymore than we need a nuclear energy mandate that requires people to put up nuclear plants where people don't want them or a hydroelectric mandate that requires States to put up dams where there is no river. We need a low-cost, clean energy policy. Almost every other major country in the world is deciding that nuclear power is the key to the future.

Wind is a supplement. One day solar may be widely used as supplement. But for baseload power for a prosperous country there is no choice, in my view. So climate change may be the inconvenient problem, as my friend and fellow Tennessean, Al Gore, says. But nuclear power, I am afraid, is the inconvenient solution, and I hope we will move to the day when the President of the United States will go to a summit

on climate and say: Yes, we are building wind turbines in appropriate places; yes, we are having solar thermal panels in appropriate places; yes, we have doubled and tripled our investment in research and development for alternative energy. But as the country that invented low-cost, reliable, clean, carbon-free nuclear energy, I, the President of the United States, have set as a goal that we will double the amount of electricity we will produce from nuclear power.

If the President went to Copenhagen and said we were committed to build 100 new nuclear powerplants in 20 years and to electrify half our cars and trucks in 20 years, just implementing those two goals would get us close to the Kyoto Protocol standards in 2030; just implementing those two goals—100 new nuclear plants and electrifying half our cars and trucks—and we can do both. We already did both. Between 1970 and 1990 we built 104 reactors, not to mention the 81 U.S. Navy vessels powered by nuclear reactors, so we have done that. Most experts, including many in the Obama administration, agree we can electrify half our cars and trucks, and probably without building one new powerplant because we have so much unused electricity at night. We can plug them in at night. We will be reducing imported oil, keeping the price of fuel low, we will be cleaning the air, and we will be dealing with global warming.

So why are we engaged in a 1,000-page energy tax, a cap-and-trade system that doesn't effectively deal with fuel, that adds to taxes, and it runs jobs overseas, when we have before us the technology we invented that would lead us into the next century?

So I hope those issues evolve. I have seen that sometimes we do not have the votes on this side of the aisle, but we have the right message. Sometimes we find if we work with our colleagues on the other side, we can have the same message.

So I believe there are many Democrats and all of the Republicans who will join in setting a new national goal of 100 new nuclear plants in the next 20 years. I believe we already have consensus on electrifying half of our cars and trucks. So if that will help us reach the climate change goals, why don't we do that instead of a national goal that raises the price of energy, increases poverty, runs jobs overseas, and causes all sorts of unanticipated problems?

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, one of my delights has been to work with the distinguished ranking member. I think anyone who was listening to this does see his erudition and knowledge on this particular subject. So I would like to thank him and commend him for his remarks. Senator ALEXANDER is correct. If we are going to address global warming, all of the options have to

be on the table and we have to rethink and relook at nuclear power as being a viable alternative as a clean fuel.

What has surprised me today is that so many people do not believe we face an emergency. So I have spent quite a bit of time trying to go back and look at global warming, look at books written by scientists, talk with people who have knowledge, who have expertise. And I have come to the conclusion that, unfortunately, it is real, that it is happening, and that it is substantially impacting our Earth. So since there is no one on the floor of the Senate wishing to offer an amendment—and I would be very happy to cease and desist should there be someone on the floor wishing to offer an amendment—I would like to say a few words about what I see happening kind of as, not a contrempts to what the Senator said but as a supporter of what he has said.

I think the science, as I said, is overwhelming. Our climate is changing. The Earth's climate has, in fact, warmed by 1.1 to 1.6 degrees Fahrenheit since the industrial revolution. People look at this and say: Oh, that is not very much. In fact, it is very much, and it changes the dynamic. It impacts species. It kills some. It diminishes the carbon sink of the ocean. It does a number of things. But let me read to you something that the Intergovernmental Panel on Climate Change warned in 2007.

Warming of the climate system is unequivocal. Observational evidence from all continents and most oceans show that many natural systems are being affected by regional climate change.

So I just pulled a few charts, and I would like to put them up and show them to you, which is the evidence of the change in our climate.

This is the Greenland Ice Sheet. The year is 1979. Since 1979, 30 percent of the ice sheet has melted. Here is Greenland in 1979, both the rust color as well as the interior. Here it is in 2007.

The source is the National Aeronautics and Space Administration. So this is an actual rendering. It is pretty clear how much has melted. Here is the Arctic at the end of the 2007 ice melt. The sea ice cover was 23 percent smaller than it was in 2005 and 39 percent below the long-term average from 1979 to the year 2000.

So here is the whole Arctic ice sheet. We now know the Northwest Passage is open and is open for the first time in history all during the year. You can see in 2005 the Arctic went all of the way out. 2007, here it is. The source of this is the National Aeronautics and Space Administration.

These are a couple of satellite photos from intelligence. We have large satellites in the air. They have photographed, as part of a project, some of the melt. This happens to be the Beaufort Sea, both in August of 2001 and 2007.

This site near the edge of the ice pack in summer as shown here has ponds of melted water forming on the surface. These dark pools absorb more of the summertime solar radiation than does the surrounding ice, enhancing melting.

So observations of sea ice conditions reveal considerable year-to-year variability. But these images display the variability with regard to the amount of melting and are an example of the long-term sequential record needed to support and understand this dynamic system. So pond coverage, monitored over time, contributes to the estimate. But this is the Beaufort Sea in 2001, and here it is in 2007. The dark is all open water. I think it is pretty clear.

This other satellite photo is of Barrow, AK. Here we see the Chukchi Sea in 2006, and it is pretty clear. Here it is in July of 2007, as photographed by a U.S. satellite. What they say is sea ice forms along the coast in the winter and generally melts or is breaking away by mid-July. Observation of sea ice reveals considerable year-to-year variability.

This is similar to the other one, but I think this really shows the difference in satellite photographs, and there is a project to continue from the atmosphere to prove the change in the ice map and the breakup of ice masses. So we know Greenland is melting at an extraordinary pace.

This week NOAA's National Climatic Data Center announced that the world's ocean surface temperature this summer was the warmest ever recorded. These records date back to 1880.

In the Arctic, researchers have found that the widely documented summer shrinking which I have just showed you again resulted in the first ever opening of the Northwest Passage.

In 2007, the winter thickness of that sea ice diminished by a record 19 percent in one winter, and scientists fear if the glaciers of Antarctica and Greenland melt at the same time, sea levels could rise by 20 feet. People say: Oh, that cannot possibly happen. I tell my constituents when they come: If you live near a beach in California, imagine what happens if the worldwide sea levels move up by 20 feet? In fact, some of this movement is already being felt in some of the Southern Pacific Islands, with people even making arrangements to move from those islands.

In California we have seen a dramatic increase in catastrophic wildfires. I have spoken about that on the Senate floor. I have spoken about it to my ranking member. We have spoken about it in committee. We believe this bill meets the challenge because for the first time it funds the fire suppression needs of the Forest Service.

But in the last 5 years, wildfires have burned more than 10,000 homes in California alone. Scientists now are predicting a 70- to 90-percent diminution of the Sierra snow pack. This is important because the Sierra Nevada Mountains provide the water for most of California. As a matter of fact, it provides the water for two-thirds of the State. That water could be lost due to climate change. At the same time annual rainfalls are decreasing, and the State's forests are burning up like never before. Here is the point: Can this warming be stopped? I have read a lot about it. I have talked to many peo-

ple. I have talked to scientists I respect very much. What they tell me is it cannot be diminished, but it might be able to be controlled.

The reason for this is that carbon released into the atmosphere does not dissipate. It has remained in the atmosphere since the beginning of the industrial revolution. So as carbon begins to pile up in the atmosphere, it creates the warming, and it also creates the potential catastrophe.

So what do we do? We need to begin by reducing emissions of carbon, and that is pretty clear now. I have seen no serious science that diminishes this at this point in time. Instead, what they tell me is that we need to reduce emissions by 65 to 80 percent below 1990 levels, and all by the middle of this century.

That translates to a goal of 450 parts per million of carbon dioxide in the atmosphere. So I think, as Senator ALEXANDER alluded to, there is no single policy we can implement to curb our Nation's emissions, no silver bullet. Rather, we need all the tools available, and this includes laws designed to protect the public from dangerous air pollution like the Clean Air Act.

Global warming is real. It is happening today. It is being charted by our satellites. It is being charted by our scientists. It is being charted by those of us in this body, and I think the real key is if we are ready to admit that fact and take the action to make the necessary conversion.

The Senator from Tennessee just spoke, I think eloquently, about the merits of nuclear power. I am one who believed originally that the human element and the waste element was such that it was not a viable alternative source. I no longer believe that. I think it is a viable alternative source, if we can fix the permit process that enables state-of-the-art nuclear technology to be built in a relatively short period of time.

The yield from a nuclear plant, as we know, of clean energy is very large indeed. So that is a positive thing. We are debating now the placement of solar facilities: where they should go, how big they should be, and this is cutting edge for us. We have talked about it. I have indicated my concern about projects that are too big, like 20 square miles in pristine areas of the California desert that we have been trying to protect with public funds over time.

We have learned that the largest solar facilities are perhaps 250 megawatts. So if you have them way up to 800, 1,000, this is without precedent. So we need to discuss if this is wise. If so, where should they be? What is the upside? What is the downside? Do they require new transmission corridors or are our existing transmission corridors adequate?

So I think these are the kinds of discussions that are most fruitful, how we

deal with the present circumstances. I hope that more Members of this body recognize it is only a question of time.

I remember the days when there was never a funnel cloud off the coast of California. Now people report that they see funnel clouds off the coast of California. Of course, one of the results of global warming is volatility increases of weather patterns. Raindrops are bigger, more volatile. Hurricanes, tornadoes are more volatile. We have to begin to deal with that.

There are people who believe the Earth is immutable, that the Earth will not change. Again, as I go back and read the literature and go back 255 million years, what is posited is that there was effectively one land mass on Earth and, geologically, that can be shown today. Yet various events have broken up the land masses. Volcanic activity that produces some of the greatest mountain ranges in the world also is believed to be responsible for the separation of the continents millions of years ago. I don't know, but this is much of what we see as we read some of the scientific material.

I do not believe the Earth is immutable. That is what has been so interesting about foraging into Mars to try to see if Mars ever, in fact, had water on it. Time is infinite. Therefore, one never knows when the planet Earth was born, what it was like when it was born, how it has changed over the millennia. One thing we know in the instant of this millennia we share, we have a problem, and we have to solve it.

I thank the Senator from Tennessee for bringing to the debate what is a valuable alternative source of energy that should be continued, just as wind, just as solar, just as biofuels, and just as moving away from the internal combustion engine into hydrogen, electricity, those things which can guarantee our future.

The one thing that is frightening about all this is we will not do it fast enough and we will not do it in a way that is able to stop the climate change which is now taking place, halt it. We can't reverse it but halt it. The time has come for the United States to take a leadership role. We have a big conference at the end of the year, which we have briefly discussed, where nations will come together and where they will look at the United States and say: You are the wealthiest country on Earth. You have 5 percent of the population, but you use 25 percent of the energy. Therefore, you have an obligation to lead. Certainly, the Chinese will believe this, although, as the Senator has pointed out, the Chinese have rapidly overtaken the United States in their release of global warming gases. But certainly India looks to us as well. So China, India, the big developing countries that so impact the release of global warming gases, it is very important that our President stand tall, that the United States stands tall and that we are willing to offer real leadership to the world.

Whether this happens remains a cipher, but I very much hope and pray it does.

I thank the Senator from Tennessee for his remarks. I am happy to make this small addition.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I congratulate the Senator from California. She is characteristically balanced in her approach and passionate about it which becomes a former mayor who is accustomed to making practical decisions. We have all had to change our minds about some things as we go along. There is in this body an entire range of views about climate change. Some are about ready to jump off the cliff. Others believe it is a complete hoax. That is probably the way it is in the country today among a variety of views.

My own view is that if I had this much information about my house probably catching on fire, I would buy some fire insurance. What we need to do in the Senate is say: Yes, it is a problem, and we are helping to cause it. What makes the most practical sense for dealing with it in a rapid way without running our jobs overseas where they are looking for cheap energy?

There are a variety of ways to do that. I totally agree that renewable energies are an important new source, but we need to be smart about it. One way to be smart is intensive research. We may find a way to make solar power a fourth the cost of what it is today. Then we have rooftops instead of thousands of square miles of thermal powerplants we can use. We may find cost effective ways to recapture carbon from coal plants. That would be a blessing not only for us but for the world because it would mean low-cost energy without polluting the world. It is important to recognize that the Obama administration's chief scientist, Dr. Chu, the Nobel Prize-winning physicist, says unequivocally that nuclear power is safe and used nuclear fuel can be safely stored onsite for 40 to 60 years, while we have a mini Manhattan project to find the best way to recycle that used nuclear fuel, most likely in a way that doesn't produce highly enriched uranium of the kind that causes proliferation concerns.

So the two questions often raised regarding nuclear power—what to do with the waste and is it safe. The chief scientist in this administration says those concerns aren't a problem. If that is the case, then nuclear power has to be a big part of the solution.

I am delighted I had a chance to hear the Senator speak on climate change. I hope, as we talk more about this over the next several months, we can agree on a consensus and permit the President to go to international summits and show the United States is actually leading.

Mrs. FEINSTEIN. Once again, Mr. President, I thank my colleague, the ranking member, the distinguished

Senator from Tennessee, for his comments. I agree with him.

The floor is open. We are going back and forth using the time, but I don't want Members to believe that if they come to the floor to offer an amendment, we will not promptly hear their amendment. The floor is open. So, please, if you have an amendment, come to the floor. The filing deadline is in 36 minutes. Hopefully, we will know what we are facing in about 36 minutes. We would like to move this bill and move on to Defense appropriations.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

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

RECOGNIZING ANGEL FLIGHT AND MACK SECORD

Mr. CHAMBLISS. Madam President, I rise today to recognize the great work that is done by the Angel Flight organization and, in particular, one of its Georgia members, Mack Secord. In the world of nonprofits, Angel Flight stands out for its determination to bring those in need lifesaving medical care. In a world of dedicated volunteers, Mack Secord stands out for coupling his passion for flying with his passion to help his fellow man.

Angel Flight's creed is that the cost of travel should never stand in the way of patients receiving necessary medical care. Through a network of volunteer pilots, Angel Flight specializes in flying those in need to medical facilities at distant locations.

In Georgia, we are proud that the DeKalb Peachtree Airport in metro Atlanta is home to Angel Flight, the original volunteer pilot organization serving those who live in or traveling to or through Georgia, Alabama, Mississippi, Tennessee, and the Carolinas.

Since the year 2000, Angel Flight's missions of hope have increased more than 760 percent. Last year, these generous volunteer pilots flew 2,266 missions, serving patients with 167 different medical conditions who ranged in age from newborn to 100 years old.

In some of our Nation's most trying hours, the pilots and coordinators of Angel Flight were there. In the aftermath of 9/11, they transported relief workers, firefighters, Red Cross personnel, and FBI agents to New York and Washington when commercial air traffic was grounded. They served as first responders during Hurricanes Katrina and Rita, flying 450 relief missions that carried supplies, medical equipment, and volunteers into disaster areas, and reunited families separated by the storms.

In recognition of the service of its volunteers, Angel Flight received awards from the Red Cross and the National Aeronautic Association.

One of Angel Flight's dedicated volunteers is Mack Secord of Atlanta. Simply put, Mack's life has always been about service. He is one of the original 15 pilots of Angel Flight of Georgia. But before he found his calling transporting adults and children to hospitals, burn centers, and cancer treatment facilities, Mack had another calling: his country. Mack spent 42 years as a pilot in the U.S. Air Force. For 5 of those years, he served as the Air Force's senior spokesman at the Pentagon.

Flying and helping others have always been Mack's twin passions. In 1964, while in the Air Force, he participated in a daring humanitarian airlift in the Congo that saved more than 2,000 people who had been taken hostage. For his efforts, Mack and his colleagues received the prestigious Mackay Trophy awarded by the Air Force for the most meritorious flight of the year.

Since 1985, Mack has donated his time, his Cessna 180, and the cost of his fuel to Angel Flight. On his first mission, he picked up a little boy in Columbus, GA, who had terrible burns on his face and body from pulling a frying pan off a stove. Mack says he didn't know burn patients require continuing treatment. He said:

I realized during the first flight that this was an important service and that I could make a difference.

Mack is a one-man cheering section for Angel Flight. He spreads the word to the Lions Clubs, Kiwanis Clubs, Rotary Clubs, pilots associations, schools, churches, and anyone who will listen. He jokes that he will give his 20-minute PowerPoint presentation to any group of people who will sit still. This remarkable man also volunteers at the Hartsfield-Jackson Airport USO, works at the Atlanta Community Food Bank, and participates in a program to read to the blind. But his first love is flying.

Last August, Mack received the Wright Brothers Master Pilot Award from the FAA to commemorate 50 years of flying without accidents, incidents, or violations. In October, Mack was given the first-ever Lifetime Achievement Award from Angel Flight, marking his 23 years of service. Fittingly, it will be renamed the "Mack Secord Award." Just this month, Mack was honored with the National Aeronautical Association's Public Benefit Flying Award for decades of going above and beyond as a volunteer pilot, bringing lifesaving medical care to families in need. This recognition couldn't come to a more deserving organization than Angel Flight, nor to a more deserving individual than Mack Secord.

On behalf of those who need help, thanks to Angel Flight, and to Mack Secord, for letting your passion for service take flight and for making hope soar.

With that, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Alabama.

**MR. SESSIONS.** Madam President, I wish to share a few thoughts about the process we are going through and the impact it is having on spending by the U.S. Government. We are at a rate that everyone agrees is unsustainable.

Worse than that, I think it is irresponsible, and we do not need to be doing the things we are doing now. I object. The ramp-up in discretionary spending for the appropriations in fiscal year 2010 is unprecedented. We know we have the biggest deficits we have ever had in the history of the Republic. Now we are passing more appropriations bills that will take effect next year that will have unprecedented spending levels. For example, the agriculture bill; I have always tried to support Agriculture Appropriations in the Senate. I have not always been able to do so. It had an increase of 14.5 percent. At that rate, spending on agriculture will double in 5 years. The average increase in agricultural spending, compounded over the past 7 years, from 2003 through 2009, was just 2.1 percent. So we have 14 percent.

Now we have the Interior and EPA funding and their increases this year in the bill before us today, which is 16.6 percent. What is inflation? Two percent or less. That is a 16-percent spending increase in 1 year. At that rate, spending for Interior and EPA would double every 4 to 5 years. Within this bill, the increase for the EPA is 33 percent. I guess that would double in 2 to 3 years. Since EPA was added to the Interior financing in 2006, it is difficult to compare—at least prior to that. However, we have added EPA funding to the Interior funding to get a comparison over previous years. The average annual increase in Interior-EPA Appropriations, from 2001 to 2009, is 1 percent but this year 16.6 percent. And we have the largest deficit in the history of the Republic this year.

When we pass a stimulus bill that is huge, in terms of additional spending, that is not being counted in what I am making reference to today.

We also passed the Transportation HUD bill, commonly called the THUD bill. Looking at its configuration for the past 3 years, we are able to conclude how that developed. From 1995 to 2009, we have seen a 5.2-percent average increase in discretionary spending—5.2 over the last 8 years. This year, what do you think it is? It is 23 percent. At a 23-percent rate, spending for highways in America would double in 3 to 4 years.

Why is this important? Let me back up one more time and mention the stimulus package. We passed, this year—the President insisted on it, and he was able to force it through—an \$800 billion stimulus package. It was supposed to be to fix our crumbling infrastructure, our highways and bridges. Did you know only 4 percent or less of that \$800 billion went to highways and

bridges? That was a flimflam. The number I am talking about in the basic highway budget we passed, I guess, a few weeks ago, that bill has a 23-percent increase, in addition to the money they got out of the stimulus package.

To show you how large that \$800 billion is—the stimulus package—spending only 4 percent on highways increased the Federal highway funding by about 40 percent. It may be more. You can say: Well, Jeff, the economy isn't doing well, so we need to spend more money. I submit that we are spending money to a degree that it is putting a cloud over the future of our Nation, and people who are involved in finance and investment and business are worried not about what is going to happen in the next year but about what is going to happen in the next 5 to 10 years. How can we sustain something that is unsustainable? The administration said this cannot be sustained and Democratic Senators have said it. Certainly, I say it.

In 2008, the entire national debt from the beginning of the founding of our Nation through 2008 was \$5.8 trillion. According to our Congressional Budget Office, which I believe is a fair and impartial group, they calculated the President's budget and what it would mean to the deficit. They concluded that in 5 years—and the President submitted a 10-year budget—that would double to \$11.8 trillion. That which we took over 200 years to accumulate—\$5.8 billion—would be doubled in 5 years. By 2019, 10 years from now, it would triple to \$17.3 trillion in debt.

The road we are on today will triple the national debt. I am not making up these numbers. These are the Congressional Budget Office numbers. It is stunning. In fact, it is based on the assumption that unemployment would top out at about 8 percent. What are we moving to now? About 10 percent. It also assumed a vigorous bounce-back in economic growth next year, which it doesn't look like we are going to get. So the results of those numbers can be worse than it appears here because the economy isn't coming back as rapidly as we would like it to.

It is hard to figure this. Some might say: I am unable to understand this, Sessions. How much money is this? A trillion dollars doesn't mean much to me.

Well, we spend less than \$100 billion a year on education now. We spend about \$40 billion on highways. Do you know how much we spend on interest on the debt? People think you can just print the money, and that is not what happens. We borrow. We sell Treasury bills and notes; people buy them and we have to pay them interest. Right now, interest rates are pretty low. It is expected those interest rates are going to increase from the financial sector on Wall Street, and the CBO, which calculates these numbers—everybody assumes the interest rates will go up some. How much, we don't know. They took a moderate increase in interest rates.

In 2009, this year, the interest on our debt is expected to be \$170 billion. That is going to go up every year. Why? Because the deficit this year is going to be about \$1.8 trillion. We have never had such a deficit in the history of the Republic. Last year, we had a \$450 billion deficit, the largest deficit in the history of the Republic. This year, it will be \$1.8 trillion. What does that mean? We have to borrow that money.

Over the 10-year budget window, as assumed by the CBO, the deficits will never fall below \$600 billion. In fact, it will average over \$900 billion—almost \$1 trillion a year. That is how you get to \$17 trillion after 10 years. So we have to borrow that money in the world marketplace. Countries such as China bought huge amounts of our Treasury. We pay them interest on that money. What does this mean over the 10 years? I think this can help the American people understand how sizable this debt is.

As I noted, we spend \$100 billion on education federally and \$40 billion on transportation. This year, 2009, we spent \$170 billion on interest. In 2009, under the red line here on the chart, it will be \$799 billion—\$800 billion—money that we used to be in a position to do things with, such as build roads and do other things the Nation needs. That is now going to have to be spent every year—\$800 billion—to pay interest. That is why Alan Greenspan, Wall Street experts, Ben Bernanke, and others have said this is unsustainable; we cannot continue this course.

What do we get from the Appropriations Committee and the Senate leadership? We get an Interior bill that increases funding 16.6 percent. That is not acceptable. That is simply too much spending. As I indicated, a lot of money is being pumped into Interior and environmental appropriations from this \$800 billion stimulus. I am not counting that. This is baseline spending. So next year, if somebody in this Congress were to have an epiphany and become frugal, and we cut the budget and don't increase it a bit, what will be the average increase over 2 years? It would be 8 percent. That is totally unacceptable.

In the last 3 years, spending for interior and the environment, 2007 had a 5.6-percent increase; in 2008, a 3.7-percent increase; last year, minus 2.9. So you are averaging far less than that. This is a thunderous increase in spending in this Appropriations bill. I cannot support it. There are a lot of good things in this legislation, and I would like to support it. But I will not vote for a bill that increases discretionary spending by 16 percent.

Has anybody been in a townhall lately and talked to their constituents? How concerned are they? They think we have lost our minds up here. Have we not? Is the message not getting through? Look at this highway bill—a 23-percent increase in HUD and highway spending. It is 23 percent, and that doesn't include the stimulus money,

which amounts to a 40-percent increase on top of that. This is baseline spending. When you put it in the baseline and do not make it an emergency, stimulus spending, you have created momentum for continuing increases in the future. How many people think we are going to cut spending for next year? How many people think we will have spending for HUD and transportation that will be below or equal to the inflation rate?

Unless the American people get heard soon, we will have another budget with a big increase. We have never seen 23 percent and those kinds of baseline expenditures before. I don't want to go on anymore at length. I don't want to vote against these bills. I would like to vote for the good things in them. But we have to simply recognize what we are doing is unacceptable. The American people are furious with us. They are rightly furious with us. We need to get our act together. When we had a shortage, one of the most significant votes I recall we took—it was so irresponsible—was when Senator VITTER, from Louisiana, offered an amendment that said the shortage in gas tax revenue that we find with the highway bill, that should be made up by taking money from the stimulus package. That had been unspent—\$800 billion. If it only takes \$20 billion or something such as that, that is what the bill was supposed to be for—crumbling infrastructure. He proposed that and it was voted down. Why? Because they did not want to take a dime out of the \$800 billion stimulus bill, even if it was not spent, and they wanted to fill that gap with more debt. Since we are already in deficit, to find another \$20 billion or so to complete the highway bill over the next year or two, we just have to increase the debt. That is what we have been doing. It is an unsustainable course.

I urge my colleagues to begin to say no. Let's vote no on this legislation. Let's start sending the American people a message that we hear their concerns, we know their concerns are legitimate and right, and it is time for us to be responsible.

I yield the floor.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. McCASKILL. Madam President, I understand I cannot call up an amendment right now because of the rules that are currently in place, but I wish to speak about an amendment I will be offering at a later time when the rules permit.

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

Mrs. McCASKILL. Madam President, the amendment I will be offering

speaks to what I see as a very fundamentally flawed process in our appropriations in Congress. I am not in the majority in this body as it relates to the subject of earmarks. I realize I am one of very few in my party and a few more but not a whole lot on the other side of the aisle who do not participate in the earmarking process.

I hope my amendment is calling attention to how this process is flawed and why we need to change the process. There are many problems with the process, but two of them I am going to speak briefly about today.

One, the process is fundamentally unfair. It is rather mysterious how much money gets set aside for earmarks and who does it and where it happens. It is even more mysterious as to how the decision is made as to how the earmarks are distributed among the Members.

I point out that in looking at the appropriations bills that we have handled so far, it is very clear that the process is heavily weighted toward the Members who serve as appropriators. I get that. That is part of the culture that has grown up around earmarking; that is, if you are an appropriator, you are entitled to get more. I am not sure that is a good way to spend public money, but I think it is important to point out that is the process.

Fifty percent of all the earmarks in this bill are going to the members of the committee. Last week, it was even more egregious. I don't think most Members realized when we voted on the T-HUD bill, the Transportation, Housing and Urban Development bill last week, that in the Transportation part of the bill, there was \$1.6 billion in earmarks. Over 50 percent of that money went to four Members, four States. So out of 50 States, four States got more than half of all the money. Well, when I tell that to people in Missouri, they say: Huh? How does that happen? How can that happen? And I frankly don't have a very good answer for them.

The other problem I wish to call to the attention of my colleagues today is not just the process as it relates to how earmarks are distributed but where these earmarks come from. This money is not growing on a secret tree somewhere that we are harvesting. It is coming out of programs. It is coming out of budgets. One of the things I found most troubling is that many of these earmarks are coming out of competitive grant programs or formula grant programs.

Formula is a formula because there is a way that is predictable about how the money is distributed—based on the size of the State, based on population; depending on the program, based on geography. It is a formula everybody understands. Taking money out of a formula to fund earmarks takes it from a predictable process based on merit to a very unpredictable process based on who you are.

The same thing with competitive grant programs. Competitive grant programs are ones where merit is supposed to rule the day based on criteria

set forth. The amendment I will offer basically wipes out the earmarks in one of these competitive grant programs. The program I am referring to is a great program—it is called Save America's Treasures. It was created by executive order in 1998. It is a public-private partnership, and there are specific criteria as to what a project has to have in order to qualify for this money—\$20 million.

This is a small example. I admit this is not going to change anything, as we keep talking about bending the cost curve, but it is a great example of what I am talking about. It began as a competitive program and it has begun to morph into something more than a competitive program because now half of the money this year will be earmarked, leaving only \$10 million for a competitive program.

So if your State doesn't get an earmark, either in the House or the Senate, in the bill, then the chances of your State getting any money out of this program have been cut in half. It is only \$10 million for the entire country for these grants which are to restore America's historic treasures across the country. That is a problem.

Is this an isolated problem? No. No. In fairness to this subcommittee, this is a little problem compared to some of the other competitive grant programs that have been raided for earmarking. The hijacking of public money for earmarking from the competitive grant bus is going on everywhere, and let me give another couple of examples.

Last week, when we did the Transportation, Housing and Urban Development Appropriations bill, there were two good examples. They are programs that began to provide competition to valued programs across the country. The first one is the Neighborhood Initiatives at HUD, the Housing and Urban Development Department. In 1998, Congress created this program. The interesting thing is it was created to help people who were doing welfare-to-work projects. Great intentions; great program.

Ironically, HUD began granting these awards to people based on the competitive criterion that Congress had given them. Congress passes the program, funds the program, and tells HUD these are the competitive bases on which you should make these grants. There were no earmarks in the program at all in 1999—none—after Congress created the program. Beginning in 2001, however, every dime in this program under the Neighborhood Initiatives Program has gone to earmarks. Once again, a competitive merit process morphs over into a completely earmarked process.

How about another example of a program—the Economic Development Initiative, also in HUD. Congress introduced the program in 1994; once again, a congressional program. Funds were to be awarded competitively, and for the first couple of years they were. EDI funds were awarded competitively. Congress started earmarking the ac-

count beginning in 1998. By 2001, the entire account was earmarked. So Congress began it as a good idea, and said do it competitively. By 2001, competition was gone.

Ironically, the statute that sets out the criteria for competitive EDI is still on the books. It is still in the law, but we no longer follow it because there has been a decision to morph that competitive program into an earmark program. I think that competition is a good thing, and this isn't about a bureaucrat somewhere sprinkling fairy dust and supplementing their judgment for the judgment of Congress.

In fact, the examples I have given are programs that were designed to be competitive, and in two or three instances they were designed to be competitive by Congress itself and then somehow they have morphed over into a pecking order of priorities based on someone's seniority or the committee they serve on, or even if they are in some political trouble. It seems to me a goofy way to spend money, especially the public's money.

I ask my colleagues to consider this amendment. All it does is restore the program to a competitive basis and allow every State to compete on the same basis for the money in that competitive program. When the time is right, I will call up the amendment, once the rules allow me to do so.

I yield the floor.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, I have consulted with the manager and the ranking member, and I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### HEALTH CARE

Mr. DORGAN. Madam President, there is now underway—beginning yesterday in the Finance Committee—a discussion about health care reform. It is complicated, controversial, difficult, but important. I know they are working hard to try to figure out what they might do to see if they can put some downward pressure on health care costs and also to extend coverage to those who don't have health coverage.

There has been a lot of generous discussion on the floor of the Senate. We have had a so-called Gang of 6, now there is a gang—a larger number—of the Finance Committee members, and soon there will be a gang of 100 Senators who are trying to consider what to do about health care issues. We have had people come to the floor of the Senate to say there is a proposal for a government takeover of health care. I

don't support that. I don't believe anybody has proposed that but, nonetheless, we have had people come to the floor of the Senate saying that is what is being proposed. I don't support a health care reform plan that lifts the ban on using Federal funding for abortion services. I don't support government rationing of health care. I don't believe that has been proposed, although it has been alleged it has been proposed. I don't support providing health care benefits to those who have come to this country illegally. And I don't support doing anything that undermines Medicare for the elderly or in any way diminishes or undermines VA health care.

All of these have been discussed by people who have trotted over to the floor of the Senate to make allegations about thing one or another. At some point we will consider and vote on the floor of the Senate on legislation that I think meets the interests of this country, meets the test of being in the public interest, and does not represent a government takeover of health care. But having said that, let me make a point that one of the things that has not been adequately discussed, but will be, is the issue of price increases for health care—cost increases—and especially that portion that relates to prescription drugs.

Let me be quick to say with respect to prescription drugs that the pharmaceutical industry plays a very important role in this country. The development of prescription drugs some with private investment funding in research and development by the pharmaceutical industry, some is a result of what we spend in public funding through the National Institutes of Health and then make what we have learned available to these companies—all of these in my judgment benefit this country and reflect the public interest.

The relentless march of increased costs of health care in virtually all areas includes the increased cost of prescription drugs, and the question is: What do we do about that? There is very little discussion about it, but I want to talk about it for a couple of minutes today.

I have introduced—for some number of sessions of the Congress now, along with my colleague on the other side of the aisle, Senator SNOWE—a piece of legislation that has had broad bipartisan support. It includes the late Senator Ted Kennedy as a cosponsor during this session of the Congress. It includes Senator Barack Obama as a cosponsor in the last Congress. It includes Senator JOHN McCAIN, Senator JOHN THUNE, and Senator GRASSLEY. It is bipartisan and has had very broad support. Yet we have not been able to get it through the Congress because it is controversial. Let me describe what it is. It is legislation that tries to put some downward pressure on the escalating prices of prescription drugs.

I understand it is legislation that causes great concern to the pharmaceutical industry. I understand that because they price prescription drugs in this country the way they want to price them, and the way they want to price them is for brand-name prescription drugs we pay the highest prices in the world by far, not even close.

I have a pretty good description of that in my desk. These are empty bottles. Let me ask unanimous consent I be able to show them on the floor of the Senate.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MR. DORGAN.** These are bottles in which Lipitor is deposited. It is made in Ireland. The company which makes Lipitor, which is the highest selling prescription drug for the control of cholesterol of any drug in the world, I think—it is very popular.

As we can see this drug is made in a factory in Ireland and then sent around the world. This is actually the same bottle—one is blue and one is red. But this was sent to Canada and this was sent to the United States. The only difference is that in the United States, if we buy a tablet of Lipitor in this order, we pay \$4.48, and the Canadian consumer pays \$1.83.

It is not just the U.S. versus Canada. It is the U.S. price versus prices almost anywhere. Again, the same drug put in the same bottle in a plant sends medicine around the world to Germany, Italy, Spain, France, England and, yes, Canada and the United States, and what is the difference? There is no difference. It is the same pill put in the same bottle. The difference is price. We get to pay double what most other people in the world pay for Lipitor. Fair? Not as far as I am concerned. It does not make much sense to me.

How do we make that stick? We make that stick by saying to the American people: You can't purchase that same FDA-approved drug when it is sold in other parts of the world. You can't purchase that for half the price because we will not allow you to bring it back into this country because we are worried, the pharmaceutical industry says, that counterfeit drugs would come into the country.

Let me talk just a bit about that. When I say this, I don't want anybody to believe our drug supply is unsafe, but I do want to say this: 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. I am going to talk about that just for a minute. I am saying this because the pharmaceutical industry continues—including yesterday as a result of stories about this—continues to say if we pass the legislation that a broad bipartisan group of us want to pass, that gives the American people freedom—yes, freedom; the freedom to purchase the identical FDA-approved drug from wherever they choose to purchase it—they say if we do that we undermine the safety of prescription drugs, there are counterfeits, and so on—safety.

Forty percent of the active ingredients in prescription drugs come from India and China. Last year the Wall Street Journal did a very large story and did some first rate journalism, I might say.

More than half the world's heparin, the main ingredient in a widely used anti-clotting medicine, gets its start in China's poorly regulated supply chain.

So ingredients go into medicine that comes into this country, heparin in this case. Let me describe the photographs in the Wall Street Journal. They went to find out where the heparin came from.

Here is an example of a man using a tree branch to stir a cauldron of material coming from pig intestines that becomes heparin, from which the ingredient for heparin is extracted. You can see the kind of facility this is; uninspected, by the way. Never inspected. Pig intestines coming out of this machine. These are Wall Street Journal photographs, not mine, that describe heparin, the active ingredient, heparin, originating in this sort of unregulated area in rural China.

The industry is saying to me if we pass legislation that requires batch lots and pedigrees and controls, manufacturing controls on anything that comes in, and chain of custody, somehow we would injure the safety of the drug supply? Come on, that is not the case at all.

In fact, what we will do with the legislation that we have created is dramatically improve the safety of all of our drug supply because of what we provide for the FDA and what we require to be done to assure the safety of the chain of custody for the drug supply.

Dr. David Kessler, former head of the FDA, says this about our proposal. The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet these standards and are not counterfeit."

The question is this: It is not whether the pharmaceutical industry is a good industry—it is. It is not whether it does good things for our country—it does. I have supported the pharmaceutical industry in many ways. I support the research and development tax credit from which they benefit. I have always supported that. I am very interested in driving more research, so I support that. I have written that I would even support an increase in the patent period in cases where it takes them longer than it should take to get their product to market. They do have a point about that. I am not interested in injuring anybody, especially this industry.

I do think, however, if we are going to talk about how to deal with the relentless march of increased health care costs, we cannot ignore the increased costs of prescription drugs.

The pharmaceutical industry and the White House had announced a deal by which the pharmaceutical industry would contribute \$80 billion over 10 years to help pay for what they had described. Basically, it is providing a benefit to help partially fill the so-called doughnut hole—I know this is Washington jargon—for senior citizens in Medicare; to partially fill that it provides rebates for purchases of brand-named drugs.

I think that is fine. But that is not a proxy for trying to restrain the relentless increase in the cost of prescription drugs in this country.

In 2008, the average price increase for the most widely used brand-name prescription drugs was 8.7 percent, more than twice the rate of general inflation. The fact is, if we go back we see what has happened to the cost of these prescription drugs in our country. It is up, up, and way up, and too many people are having to determine whether they purchase their medicine or buy their groceries, or purchase their medicine or pay their rent. I think there are ways for us to address it.

My colleagues and I are offering legislation when a health care bill comes to the floor of the Senate. We are going to offer legislation that will be the Dorgan-Snowe bill with, I think, somewhere around 30 cosponsors or so, that is very simple. It simply provides the freedom for the American consumer to purchase the FDA-approved drug where they choose to purchase the drug, and we outline the countries in which there is a nearly identical chain of custody to the chain of custody we have in our country for prescription drugs, then provide the resources for the FDA to monitor and to deal with that.

Second and most important, we provide requirements for pedigrees and batch numbers and lot numbers to be able to trace back prescription drugs.

One of the things we discovered with the heparin issue is we couldn't trace it back to find out where it came from. That does not make any sense to me. We do need legislation, in my judgment.

I received a letter from a woman in North Dakota a while back. She is suffering from fibromyalgia. She had the disease 20 years and tried many different treatments. The disease impairs her cognitive skills and causes her fatigue every day, and she is trying a new drug that she says helps with the fatigue and her concentration. She said:

I have taken my first pill now and noticed improvement immediately, but the drug costs \$348 a month, \$11.60 a pill, so I am going to have to try to find a way to work despite the fact I really can't work in order to pay this drug bill.

She says:

Byron, I am beat up but I ain't used up. This pill could be the difference between

working and filing for Social Security disability. Is there some way that people can afford this drug which doesn't yet have a generic version? Is there some way to put some downward pressure on prices?

The answer is yes, there is; legislation we introduced in the Senate. The Congressional Budget Office says this saves \$50 billion, I believe it is, in 10 years, a \$50 billion saving, and \$10.6 billion of that is savings to the National Government. The National Federation of Independent Business—and I will ask unanimous consent to have this printed in the RECORD—the NFIB has just written, September 21, 2009, saying:

On behalf of the NFIB I would like to express our support for S. 1232, the Pharmaceutical Market Access and Drug Safety Act of 2009. . . .

It is signed by Susan Eckerly, the senior vice president of public policy.

Madam President, I ask unanimous consent that a copy of the NFIB letter dated September 21, 2009, be printed in the RECORD.

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

NATIONAL FEDERATION  
OF INDEPENDENT BUSINESS,  
Washington, DC, September 21, 2009.

Hon. BYRON DORGAN,  
U.S. Senate,  
Washington, DC.  
Hon. OLYMPIA SNOWE,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS: On behalf of the National Federation of Independent Business (NFIB), I would like to express our support for S. 1232, the "Pharmaceutical Market Access and Drug Safety Act of 2009." This bill would allow for the importation of prescription drugs while ensuring that appropriate safeguards are in place to protect the integrity of imported medications. Importation offers a means of reducing one of the most rapidly rising healthcare costs facing consumers today: spending on prescription drugs.

This much-needed bipartisan legislation comes at a critical time for men and women in the small business community struggling with the ever-increasing cost of healthcare. Small firms pay an average of 18 percent more than their larger counterparts for the same healthcare benefits and are continually seeking out ways to lower their healthcare costs. With U.S. prescription drug spending expected to increase over the next decade, it is clear that the small business community must pursue viable opportunities to improve affordability and access to healthcare goods and services. The Congressional Budget Office has estimated that this legislation could result in a direct savings of \$50 billion. Those savings could provide some much-needed and long overdue relief to small business.

The "Pharmaceutical Market Access and Drug Safety Act of 2009" secures a framework for the safe and legal importation of prescription drugs. NFIB is pleased that your legislation includes specific requirements to ensure that every imported drug must meet U.S. safety standards. The benefits for small business are also achieved by allowing licensed pharmacies and drug wholesalers to import Food and Drug Administration-approved medicines for commercial purposes.

Providing access for the importation of prescription drugs enjoys broad support. Seventy-eight percent of NFIB members favor allowing individuals to purchase drugs from other countries—support that is affirmed by

other public opinion research including a Wall St. Journal poll indicating that eighty percent of Americans support importation.

Thank you for your continued efforts to increase access to affordable healthcare for the small business community. We look forward to working with you on this important piece of legislation.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President,  
Public Policy.

Mr. DORGAN. Many other organizations have supported this legislation. The reason I wanted to visit about it today briefly is to say that whatever is considered in the Finance Committee and then developed as between the Finance and the HELP Committees and brought to the Senate floor for debate when health care is debated on the Senate floor, I will intend to be here with my colleagues. I know Senator McCAIN, Senator STABENOW, Senator SNOWE—many others will want to be here to offer this amendment at the front end of a discussion and debate on health care on the floor of the Senate.

This has been a long, tortured trail—too long, in my judgment—to get this done. I understand, as will have been the case in the past and likely will be the case this year, we will have people stand up on the Senate floor and oppose us, saying it is going to undermine or somehow compromise the safety of the drug supply. It is simply not true. All of the experts who have looked at this have said we have created something that will actually improve the safety of the drug supply coming into this country.

Let me describe it in the easiest and best way I know, and that is with a very popular prescription drug. Somebody once said so many people take this they ought to put it in the water supply. I guess I don't support that, but Lipitor is the most popular drug, medicine for lowering cholesterol, by far. There are others as well. I should not fail to name them, but I believe this is the biggest selling cholesterol-lowering drug. The American people get to pay twice as much for the same pill put in the same bottle as virtually everybody else in the world. I think that is not fair. I think it is not fair that the American people pay the highest prices in the world. It wouldn't happen if the American people had a little bit of freedom, and that is the freedom to purchase this prescription drug from a FDA-approved plant with pedigreed lot numbers in a supply stream or chain of supply that is judged safe by our FDA.

We will have this amendment, have debate, have a vote. My fervent hope is that this is the time. There is a time and place for everything. My hope is that at long last this is the time Congress will pass this kind of legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Tennessee is recognized.

FEDERAL STUDENT LOANS

Mr. ALEXANDER. Mr. President, the pending business is the Interior appro-

priations bill. I know several Senators have amendments. If they would like to come and speak on those amendments, this is a good time to do that. Then, working with the Senator from California, who is chairman of the committee, we will try to move those amendments to a vote as quickly as possible. If Senators do come to speak on amendments, I will stop talking and give them the floor. But for the time being, I would like to say a few words about Federal student loans.

President Obama said the other day, in what I thought was a very perceptive comment, that he understood the health care debate and all its intensity is a proxy for a larger debate, and that is about the role of government in our society. What I and many Republicans believe and, I think, many Independents and Democrats, as well, in the State of Tennessee, and I suspect across the country—is that we have suddenly seen too many taxes, too much spending, too much debt, and too many Washington takeovers. The President says, and he is correct to an extent with this, that some of these Washington takeovers were not his fault, were not his doing. I suppose he would say that about some of the bank takeovers and the insurance company takeovers. I am not so sure about the takeover of the automobile companies or the takeover of the farm bonds or the proposal to take over health care. But here is a voluntary takeover that is absolutely unnecessary, is unwise, and the American people should pay attention to this.

This goes to the center of what the President said. If health care is a proxy for a debate about the extent to which the American Government ought to be involved in our society, then the proposal by the President to take over the entire student loan program and move it from the private sector into the government is a perfect example of what we ought not to be doing.

Let me speak first to the dimensions of this program. The United States has the best system of higher education in the world. One of the greatest aspects of it, one of the greatest contributors to its quality, is that we have a generous amount of Federal dollars which permit about half or more of our students to either get a Federal grant, which we usually call Pell grants, or a Federal student loan which follows them to the institution of their choice. So unlike our elementary and secondary schools, your Pell grant—your grant going all of the way back to the GI bill in 1944—can follow you wherever you go. That choice and that competition and that money have helped to create not just some of the best colleges and universities in the world but virtually all of them. Most observers agree on that.

The higher education system today is 6,000 institutions. These are the universities of North Carolina and Tennessee. That is what we might think of first, but there are also community colleges,

the 2-year schools. There are also non-profit colleges. There are also the religious institutions—Notre Dame and Brigham Young and many others. So there are 6,000 institutions.

Last year, 4,400 of those 6,000 institutions used the regular student loan program. That is the one where you go to the bank, usually your community bank or local bank, and you get a student loan. And 1,600 schools, or about one-fourth, used the direct loan program, which was put in at the time I was Secretary of Education about 20 years ago, and you just go to the U.S. Department of Education and get your money. On the private side of it, which is what 3 out of 4 students choose, there are 2,000 lenders that participate in the program. This year, there are nearly 18 million loans to students and parents—18 million—and 14 million of them are in the regular student loan program, 4.5 million through the government. There was \$86 billion of loans made. So the regular student loan volume through the private lenders was about \$64 billion; the direct loan volume was \$22 billion.

So all in all outstanding, \$617 billion of volume for both programs, and the President has said we are going to take all of that and put it in the U.S. Department of Education. So what his proposal is, if you are one of the 14 million students today who are getting their student loans from their local banks, starting in January you are out of luck. You better line up outside the U.S. Department of Education with the other 19 million people who want a student loan and hope they can provide you with the same sort of service your community bank or lending institution or nonprofit organization in your area provides you today.

There is a lack of evidence to show that the U.S. Department of Education can do a better job of making loans than banks can. I used to work at the U.S. Department of Education. I was the Secretary. It is one of the smaller departments in government. The people there know a lot about education, but none of them really is running for banker of the year.

Arne Duncan is President Obama's Education Secretary. He is one of his best appointments. I would much prefer seeing him in Memphis working on charter schools or in Denver trying to find ways to pay outstanding teachers more or trying to help create a better system of colleges and universities or community colleges instead of trying to manage the problem of, how do I grant \$100 billion in new loans to 19 million people every single year? How do I replace 2,000 private lenders?

Let me give you an example of what a private lender might do. In Tennessee, we have EdSouth. This is a non-profit provider. Here is what they do. They had five regional outreach counselors to canvass Tennessee to provide college and career planning, financial aid training, college admissions assistance, and financial aid literacy. They

made 443 presentations at Tennessee schools through college fairs, guidance visits, and presentations. They worked with 12,000 Tennessee students to improve their understanding of the college admissions and financial aid process. They provided training to over 1,000 school counselors so those counselors could work better with their students. They distributed almost 1.5 million financial aid brochures to Tennessee students and families. Will the U.S. Department of Education start providing those services, or will the 19 million students who want student loans simply line up outside the U.S. Department of Education or one of its offices somewhere and apply for a loan? I think I know the answer to that question.

According to the Department of Education, it costs them about \$700 million a year to administer the loans they make today. That is for one-quarter of all the students. They estimate they can make those same loans to 19 million students at about the same amount of money. I doubt if that is true, which brings me to the point of the savings—the alleged savings of this program.

Senator GREGG and I—the Senator from New Hampshire, who is the former chairman of the Budget Committee, ranking member now—talked about the alleged savings in moving all of these loans from the lending institutions that make them to 19 million students today, to the U.S. Department of Education.

Senator GREGG received a letter from the Congressional Budget Office on July 27. I ask unanimous consent to have that letter printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 27, 2009.

Hon. JUDD GREGG,  
Ranking Member, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR SENATOR: This letter responds to your request for an estimate of the change in federal costs, adjusted for the cost of market risk, that might result from enactment of the President's proposal to prohibit new federal guarantees of student loans and to replace those guarantees with direct loans made by the Department of Education. The Federal Family Education Loan Program (FFELP) provides federal guarantees for loans made to students by private lenders and is the predominant source of loans for higher education; the Congressional Budget Office (CBO) projects that, under current law, guaranteed loans will account for 70 percent of all new direct and guaranteed student loans made over the next 10 years. Under the President's proposal, the Department of Education, through the William D. Ford Direct Loan Program, would provide federal support for student loans only by lending money directly to students.

In its July 24, 2009, cost estimate for H.R. 3221 (the Student Aid and Fiscal Responsibility Act of 2009, as approved by the House Committee on Education and Labor), which would incorporate the President's proposal, CBO estimated that replacing new guarantees of student loans with direct lending

would yield gross savings in federal direct (or mandatory) spending of about \$87 billion over the 2010–2019 period. (Mandatory spending is governed by existing provisions of law and does not require future appropriations.) About \$7 billion of those savings would represent a reduction in the administrative costs of the guaranteed loan program, which are recorded in the budget as mandatory spending. In contrast, most of the administrative costs for the direct loan program are funded in appropriation bills and recorded as discretionary spending. Thus, of the \$87 billion reduction in direct spending, roughly \$7 billion would be offset by an increase in future appropriations for administrative costs, for an estimated net reduction in federal costs from the President's proposal of about \$80 billion over the 2010–2019 period.

Those estimates follow the standard loan-valuation procedure called for in the Federal Credit Reform Act of 1990 (FCRA). The law specifies that the cost of federal loans and loan guarantees be estimated as the net present value of the federal government's cash flows, using the Treasury's borrowing rates to discount those flows; that calculation does not include administrative costs, which are recorded in the budget year by year on a cash basis (that is, undiscounted). The FCRA methodology, however, does not include the cost to the government stemming from the risk that the cash flows may be less than the amount projected (that is, that defaults could be higher than projected). CBO found that after accounting for the cost of such risk, as discussed below, the proposal to replace new guaranteed loans with direct loans would lead to estimated savings of about \$47 billion over the 2010–2019 period—about \$33 billion less than CBO's estimate under the standard credit reform treatment.

#### ESTIMATING SUBSIDY COSTS USING CREDIT REFORM PROCEDURES

To determine whether a proposal to change the federal student loan programs would lead to budgetary savings requires comparing the federal government's costs for the subsidies that the two programs provide. Those subsidy costs depend on the various cash flows of the direct loan and guaranteed loan programs, the interest rates used to discount those cash flows, and the programs' administrative costs.

FCRA calls for using a present-value subsidy concept—in what is otherwise a largely cash budget—to better compare the strikingly different patterns of federal cash flows under the two programs. In the direct student loan program, the federal government makes a large, one-time outlay for the amount of the loan (net of various fees) and then receives a stream of principal and interest payments over time. In the guaranteed student loan program, the federal government faces a more complicated set of payments. It does not disburse a principal amount (loans are disbursed by private lenders) but instead receives some up-front fees, makes a stream of subsidy payments (known as special-allowance payments) to lenders, partially compensates lenders for loans that go into default, and pays certain borrower benefits, in addition to various other receipts and payments.

FCRA facilitates the comparison of the budgetary effects of direct loans and loan guarantees by converting the net outlays for each program into a single lump-sum estimate of net costs (that is, the discounted present value of all cash flows). Those cash flows are discounted using the government's costs of borrowing—that is, the interest rates it pays on Treasury securities of comparable maturities. The resulting subsidy estimate is recorded in the federal budget in

the year of a loan's disbursement. Subsidies computed under FCRA do not include the government's costs for administering the loans; those administrative costs are recorded separately, on a cash basis.

Under the FCRA accounting rules, the guaranteed loan and direct loan programs have very different subsidy rates, and thus different budgetary costs, even though the programs result in very similar loans to borrowers. CBO estimates that over the 2010–2019 period, the subsidy cost for each dollar of a guaranteed loan will exceed the subsidy cost for each dollar of a direct loan by between 10 cents and 20 cents. Generally, in CBO's estimation, the direct loan program will have a negative subsidy rate (that is, the net receipts to the government on a present-value basis are projected to be greater than its disbursements), whereas the guaranteed loan program will have a positive subsidy rate (that is, a net cost on a present-value basis). The difference in subsidy rates under FCRA for direct and guaranteed loans occurs primarily because of certain payments made for the latter—in particular, interest payments made on behalf of borrowers for subsidized loans and special-allowance payments to lenders. The latter are made by the government to lenders in the guaranteed loan program to ensure that they receive a specified interest rate on their student lending. The difference in the programs' subsidy rates led to CBO's estimate that under the procedures specified in FCRA, enactment of the President's proposal (as included in H.R. 3221) would yield net budgetary savings of approximately \$80 billion (representing \$87 billion in mandatory savings and \$7 billion in discretionary costs) over the 2010–2019 period.

#### ADJUSTING FOR RISK

The full value of the subsidy provided by the government's student loan programs depends on what students would have to pay to obtain loans in the private market without federal support. That cost depends on the riskiness of the loans. Estimates of subsidies that are made using the techniques specified by FCRA do not provide a comprehensive picture of the costs of loan programs, mainly because they do not fully account for the riskiness of the loans. That methodology, which uses yields on Treasury securities as discount rates, tends to underestimate the subsidy provided under each program; but it generally understates the subsidy costs of the direct loan program to a greater degree than it does those of the guaranteed loan program. Alternative estimates of the value of the programs' subsidies that might better reflect the costs they represent for the government would incorporate the estimated cost of the market risk that taxpayers bear through such lending—a cost analogous to the higher returns that private investors expect for making risky investments.

When conditions in the financial markets are relatively benign, as CBO assumes will be the case after the first few years of the 2010–2019 projection period, the private sector's pricing of student loans that do not carry a federal guarantee suggests that the cost of raising capital for such loans will be 2 to 3 percentage points more per year than the interest that the government pays on Treasury securities with comparable maturities. That difference reflects the risk involved in extending long-term, unsecured credit to an individual consumer; participants in private-sector loan markets generally demand a higher rate of return for bearing that risk. (Put differently, the cost of capital for the firms that make such loans will be higher than the rates on Treasury securities.) A private entity that issued or insured student loans would recognize that higher cost of capital by discounting its expected cash

flows from the loans at that higher rate. (A private entity would also approach administrative costs somewhat differently, but administrative costs account for little of the difference between the costs of the direct and guaranteed loan programs.)

Applying a set of risk-adjusted discount rates to the cash flows from the government's student loans would raise the subsidy rates for both student loan programs, but the rate for the direct loan program would increase by more than the rate for the guaranteed loan program because of differences in the timing and riskiness of the estimated cash flows. CBO estimates that if projected savings for the President's proposal were calculated using risk-adjusted discount rates, those savings would be \$47 billion over the 2010–2019 period—a difference of \$33 billion relative to CBO's cost estimate for H.R. 3221 issued on July 24.

Although the use of subsidy rates that have been adjusted for the cost of risk generally improves the ability to compare the costs of financial programs, the approach does raise some concerns. As the recent financial turmoil has shown, risky assets, including student loans, can fluctuate wildly in value. Those fluctuations can lead to large changes in market-based estimates of subsidy rates for student loans from one year to the next. Quite similar assets may trade at widely divergent values for reasons that are difficult to establish. Nevertheless, CBO believes that risk-adjusted subsidy rates provide useful information about the cost of federal programs in terms of the value of the economic resources that are devoted to those programs. The Congress adopted the approach of incorporating the cost of market risk into budget estimates for the 2009 enactment of the Troubled Asset Relief Program (TARP). That approach requires that the costs of assets purchased under the program be estimated using a present-value approach that, except for its requirement of an adjustment for the cost of market risk, is similar to the way loans and loan guarantees are evaluated under the Federal Credit Reform Act.

I hope this information is helpful. If you have further questions, we would be happy to address them. The CBO staff contact for this analysis is Sam Papenfuss.

Sincerely,

DOUGLAS W. ELMENDORF,  
Director.

Mr. ALEXANDER. Senator GREGG basically asked: Is it true that if we stop making loans through private and nonprofit lenders whereby the Federal Government guarantees the loans and pays a regulated subsidy to the lender—if we stop that and start making all of them through the government directly, will we save \$87 billion? And the short answer—if you want the long answer, the letter is available—the short answer is no, you do not save \$87 billion; you are likely to realize \$47 billion in savings over the next 10 years.

Then, in addition to that, we have to deduct for the—I see the Senator from Oklahoma. Is he ready to speak on his amendments?

Mr. COBURN. In a moment after we are set up.

Mr. ALEXANDER. I will be through in about 4 or 5 minutes. I welcome him and look forward to his comments.

Instead of saving \$87 billion, we save \$47 billion. Then we have to deduct the administrative costs. Remember, instead of making some of the loans, the

Department of Education is going to make 19 million loans. The Department estimates it might cost it \$7 billion over the 10 years to do that. Others think it might cost \$30 billion. So the real savings—the real savings are either \$47 billion or more like \$20 billion or \$23 billion in savings over 10 years.

In order to do that, of course, we are going to have to raise the Federal debt. We are going to have to borrow \$1 billion a year for the next 5 years. So at a time when we are concerned that we are adding \$9 trillion to the debt over the next 10 years, we are going to add another half trillion over 5 years so we can make student loans instead of doing it through private institutions.

Here is the real clincher. When you press and say: In order to make these loans, what is the real reason you think you can do this if the savings aren't really \$87 billion but they are more like \$47 billion or more like \$23 billion over 10 years?

They say: Well, the real reason is the government can borrow money cheaper than the private banks can.

That is true. The government can borrow money at a quarter of a percentage point, and then it loans it to the students at 6.8 percentage points.

Well, my first point would be that I don't think the government ought to be making a profit by overcharging students for their student loans and then turn around and take credit for starting new programs. What the government is actually going to be doing is charging a student who has a job and is trying to get a student loan—is going to say: OK, we are going to borrow the money at one-quarter of 1 percent and loan it to you at 6.8, and then we are going to take that money and pay for your Pell grant or pay for someone else's Pell grant.

In other words, they are going to overcharge the student to make the Congressman look good. That is what we are doing. We are going out and announcing all of these programs. So we are spending \$87 billion, when it is really between \$23 and \$47 billion—that is the amount we really have—and we make that money by overcharging the students.

At the very least, if we are going to take all of these loans into the government, we ought to reduce the interest rate so we don't overcharge the students.

I see the Senator from Oklahoma. I am going to defer to him and welcome him to the floor. But I hope, as we think about the issue the President so accurately described—he said: The health care debate is really a proxy for the role of government in our society. He is exactly right about that. And while some of the Washington takeovers may not have been avoidable at the beginning of the year, there is no reason in the world why Washington should take over 19 million student loans, eliminate 2,000 lenders, stop students on 6,000 campuses from having a choice in competition, and say: The

government is the best banker in America; line up outside the Department of Education, all 19 million of you, in January and get your student loan.

So I am thinking of introducing an amendment that is called a truth-in-lending amendment if this legislation were to pass, and it would say to every one of the 19 million students: Truth in lending—beware. Your government is overcharging you so your Congressman and your Senator can take credit for starting a new program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wanted to spend a few minutes—I guess I would inquire of the chairman and ranking member, we are not allowing amendments to be brought up at this time; is that correct?

Mrs. FEINSTEIN. That is correct, through the Chair. There is a disagreement with the Senator from Louisiana and there is a hold on anything coming before this body.

Mr. COBURN. I have germane amendments, most of which will be germane postclosure.

Mrs. FEINSTEIN. The Senator can certainly talk about his amendments.

Mr. COBURN. We cannot call them up and make them pending.

Mrs. FEINSTEIN. That is correct.

Mr. COBURN. I thank the Chair.

I wanted to spend a little time talking about the appropriations process before I speak on the amendments. I have seven amendments, maybe eight. All are commonsense amendments. Most people in America would agree with them.

But this first chart I am showing shows that what we are doing this year is, out of every dollar the Federal Government spends, we are borrowing 43 cents against our kids, against our grandkids. That is even true in this bill. This bill we have before us—a large portion of the money to pay for this Interior appropriations bill is going to come from our children.

So one of the things you say is, well, what is the inflation out there in terms of what are the costs that are actually increasing and how do we compare to what everyone else is facing in terms of spending based on increased costs? And in 2008, 2009, during that fiscal year, we actually had a minus three-tenths of 1 percent inflation. That is called deflation. And so far this year, we have had 1.6 percent, and it is probably going to go lower than that when we see the end of the fiscal year. So let's say 1.6 percent is the cost we are seeing in terms of inflation this year.

Well, one of the first bills we passed was the Legislative Branch appropriations bill, and when we had a minus three-tenths of 1 percent increase, we increased our expenses in the Congress by 10.88 percent. This year, we have already passed the bill, and we increased it three times what the rate of inflation is. So just even in our own budget,

running our own offices, running the Congress, we are increasing what we spend three times faster than the rate of inflation.

If we look at the Homeland Security appropriations—all these numbers, by the way, don't include the billions of dollars each of these agencies received with the stimulus package—from 2008 to 2009, Homeland Security was increased 9.97 percent. That is a number of infinity in terms of inflation because we had no inflation. So a 9.97-percent increase, almost 10 percent, as compared to no inflation, we grew the government in this area. This year what we have passed already is another 7.22 percent growth, despite tens of billions of dollars going to the Department of Homeland Security with the stimulus package.

Then we had the Agriculture appropriations bill. For the 2008–2009 fiscal year, we increased it 13 percent. This year we are increasing it 12.68 percent. At this rate, we will double the size of Homeland Security and the Agriculture Department in 4.75 years, if we take the multiple of this, if we continue at this rate. The Transportation-HUD appropriations, which we passed last week, 13.31 percent in the 2008–2009 fiscal year. This year we have 22 percent we have increased it, fully 15 times more than inflation. And in transportation, the costs have actually gone down in terms of what it costs to build a road or to repair a bridge because of the economy.

Then we have this bill. Last year we increased Interior 4.13 percent. Now we are increasing it again 16.28 percent. Does anybody out there have anything on which they are seeing those kinds of increases in income in America? Remember, 43 percent of this is borrowed from our children's futures.

To sum up, look at what we have done so far. Legislative branch, increased 4.75 percent; Homeland Security, 7.2; Energy and Water, 1.41—we actually did one that is at inflation—Agriculture, 12.68; Transportation and HUD, 22.54; Interior, 16.28—all the time when we have an inflation rate of 1.6 percent. What is going on? The American people ought to be highly concerned with the appropriations bills flowing through here. It is all borrowed money. All the increases are borrowed against our children and grandchildren.

Here is what we have done so far in the Senate. There is no question the Interior bill will pass. The appropriators will make sure of that. They have their earmarks in it. Whether they claim to be a fiscal conservative or not doesn't matter. They will vote for the bill to protect their earmarks. We can see what kind of growth we are experiencing in the last 2 years in this country in expanding the size of the Federal Government. These aren't small increases. They are gigantic. Nothing in the 8 years preceding this came anywhere close to it. We have this ballooning Federal Government that at the rate we are going this year will

double in less than 5 years. The size of the Federal Government, if we continue this trend, will double in the next 5 years.

That doesn't count a health care bill that will add another 150,000 Federal employees and another \$1 trillion of expenditure. We ought to be worried about our future. We ought to be paying attention to what the Chinese are saying, the biggest purchaser of our bonds and bills: You are spending too much money.

They are right. They are absolutely right.

How is it, in a time of economic decline and almost nonexistent inflation, we can justify rates of increase that will double the size of the Federal Government in 5 years? I don't understand that. I don't believe 80 or 90 percent of the American people understand that, unless they are not paying any taxes and don't care. But their grandchildren will care.

Let me translate what will happen. What is going to happen with this kind of explosive government growth, with an almost \$12 trillion debt we have now that will double in the next 5 years and triple in the next 10 years, according to the budget plan passed by those on the other side of the aisle, is that our children and grandchildren will see a standard of living 30 percent below what we have today. That is the consequence of borrowing 43 percent of everything we do. Interest rates are not always going to be as low as they are. In 2013, this government is going to pay over \$1 trillion in interest costs per year. That is \$1 trillion we are taking from the American people that is not going to help anybody. It is just going to offset this terrible precedent we are setting on spending. We can't afford it. If we want the dollar to sink and we want inflation to come roaring back, all we have to do is keep doing what we are doing.

Then the value of our homes, the value of retirements, although already hit by the decline, will erode even further. We cannot create wealth by trying to borrow our way out of trouble.

What I see, as I look at my five grandchildren, is we are acting totally irresponsibly. There is no other thing we could do to describe what we are going to do. Yet tomorrow, when we get into cloture on this bill and we finally pass the bill, what are we going to do? We are going to mortgage the future of this country.

Let me explain. That means stealing hope, the propensity to think about tomorrow being better, when, in fact, we, the Members of Congress, have ensured it will not be. We are taking away the hard-earned assets, not only through taxes but through inflation, of the American worker. We have a real problem in front of us. We have an irresponsible Appropriations Committee that continues to send bills out that are growing the government at a rate that is absolutely unsustainable.

What is the answer? The answer is to ask Congress to start making hard

choices. Just like every other family is doing out there today, make the hard choice of prioritizing. What is most important? What is next most important? What is superfluous? What is not absolutely necessary now that we want to steal from our grandchildren to be able to have today? The heritage of this country, the thing that created American exceptionalism, the thing that built the most powerful, most successful economic model in the history of the world was a heritage of one generation saying: We will sacrifice to create opportunity for the next generation. These bills and this one, in particular, abandon that heritage. What we are saying is: We want for us now, and we don't care about our children and grandchildren. These are indisputable numbers. These are CBO numbers. At a minimum, this is what we are going to do. At a maximum, it is going to be much worse.

Next year we are going to borrow more than 43 percent. We are going to approach 50 percent of everything we spend based on the budget plan. We are going to have another \$1.6 trillion deficit. That is Washington accounting, Enron accounting. The real deficit, when we take all the money stolen from all the trust funds, will put it closer to \$1.9 trillion. Do the math: 300 million people into \$1.9 trillion; we are spending \$6,000 more for every man, woman, and child than we are taking in.

I carry with me, based on last year's numbers, what the Federal Government does per family, per household. The year that ends this month, we will spend \$34,000 of your money—not counting the States, not counting municipalities—\$34,000 per household through Federal Government programs; 43 percent of which, which comes out to about \$15,000 per household, is borrowed. We will spend \$9,000 on Medicare and Social Security; \$5,800 on defense; antipoverty programs, almost \$5,000; this year per family \$1,210; in 3 years, \$850 per family. Federal employee retirement benefits per family, you are paying \$1,000 per family for Federal employees' generous retirement benefits. We are paying \$800 for veterans benefits. For regulation and research, we are paying \$700 per family. For highways, we are paying \$500 per family; for justice administration, \$452; and for unemployment benefits, \$900 per family.

If we total all that—all the others count \$1,361 per family—we come up with \$33,800 per family. That is going to be \$40,000 next year per family that comes through the Federal Government, of which almost 50 percent will be borrowed.

We can't continue to do what this bill purports to do. It is not only unconscionable that we would not make the tough choices, and the reason we don't make the tough choices is politicians don't want to offend anybody. It is not only unconscionable that we will not make the tough choices; what we

are doing is immoral. We are stealing opportunity. We are stealing the potential American dream of our children and grandchildren because we are going to shackle them with a debt they cannot get out of.

I delivered babies for a living before I came up here. I have delivered thousands of babies. When I deliver a baby now, it is a mixed blessing. It is a wonderful thing to see that new life come into the world, to look at the parents' faces, to see the glow and to think about all their hopes and dreams for that young child. But the downside is, if you are born today, you have the responsibility to pay off the interest of over \$480,000 of expenditures that are coming that we haven't provided the revenues for.

Now, think about your grandchildren and your children. Do you really want to load them down with that kind of number? Just paying the interest—if interest is 5 percent—you are talking about they have to make up \$20,000, at least, before they are even just carrying the debt service on that kind of load.

We are destroying this country through the lack of discipline and the cowardice of not making the hard choices that need to be made right now—not tomorrow, not next week, right now.

For us to bring a bill to the Senate floor that increases the Interior spending by 16 percent, in a time when we have 1.6 percent inflation, and to not make the hard choices about priorities and getting it to where we do not spend any more right now so we start creating that hope of opportunity for our next generations, I do not understand.

I walk off this floor and beat my head against the wall because I do not think the Senate gets it. They do not understand what the average family is doing today in terms of making these hard choices. They are making the hard choices at home, only to see us not make the hard choices, and to offset the tremendous difficulties you have in making those hard choices by making sure your kids are going to have to make even tougher ones.

Even when the economy turns around, this does not go away. America is the longest surviving Republic in the history of the world. If we look at the history of the republics—all of them that have ever been created—what happened to them? They all collapsed. Do you know why they collapsed? Some of them were defeated externally, but the reason they were defeated externally is because they became a fiscal mess, much like we are, and they all ultimately collapsed over the lack of fiscal discipline and limiting the size of the government's take in terms of the size of the economy.

It is projected that in America, in 10 years—if things keep going the way they are—the Federal Government will consume 40 percent of our GDP. When it gets to 50 percent, we are over, we are gone. What we have today is a situ-

ation that is not irreversible. But all prophetic indications would say, if we keep doing this, it is going to be irreversible.

I know those are tough things, but let me tell you how Senators think. Senators think in the short term because it seems too often the most important thing is getting to the next election. So we do the short-term, expedient things that make us look good to a group of people in one State by sacrificing the greater good of the country.

What is needed today in America is people with long-term visionary thought, combined with the courage to lose an election to do what is best for the American public in the long run. What is best is for us to get back to the roots and our oath that is outlined in the Constitution of the United States.

This bill strays a long way from that, and my amendments will show some of that. We no longer have a limited Federal Government. We have an overly expansive Federal Government. It is not going to be long when we will not need States because the Federal Government is going to be involved in everything and telling the States what to do on everything anyway—and there comes the collapse of our Republic.

These are just little warning symptoms that say we do not have our eye on the ball, that we have our eye on the wrong ball, that we do not believe in the oath we took to honor the Constitution and its prescribed method of maintaining a limited Federal Government, with everything else, as depicted in the 10th amendment, left and reserved for the States and the people of this country.

When we are growing the Department of Interior by 16 percent, what we are doing is abandoning that. There is no justification. If you read this appropriations bill and the report that goes along with it—if the American people were to read it, they would throw up. They would throw up at the lack of priorities. They would throw up at the tremendous parochialism that says we put our State ahead of our country. They would throw up at the waste, and they would throw up at the earmarks. They would be literally sick.

So we find ourselves with multiple appropriations bills that are inexcusable, given the situation we find ourselves in, and, more importantly, the sacrifices that American families are having to make now in their own budgets. But, more importantly, it is inexcusable to steal the hope and future from the next two generations, and this bill does that, and so do the rest of them.

We are stealing. We are selfish. We are saying: I would rather be reelected to the Senate than do what is best for America. I would rather protect my parochial interests than do what is better for America. I would rather not have to make the hard choices of eliminating some things that are not a priority rather than do what is in the best long-term vision for this country.

It is discouraging. It is disappointing. The only way it changes is if the American people demand that it start changing. There should not be 10 votes for this bill, but it will get 60 or 70 because there is no backbone. There is no backbone to do the right, best thing for the country, even if it costs us. Serving your country means sacrificing. Service without sacrifice is not service at all. If it is not costing you something, you are not doing anything, and we shun the responsibility of doing the best and the right thing for America.

Let me talk for a minute, if I may, about the amendments I have. I will preview those amendments and will not spend a lot more of the chairman's and ranking member's time. I have a total of seven amendments—actually eight. Let me talk about them since I cannot call them up.

One amendment is on transparency. My friend, President Obama, wants us to be a transparent government. Throughout this bill are tons of reports that you, as American citizens, will never get to see. As a matter of fact, I will not even get to see them because they are directed only to the Appropriations Committee. What is that all about? As a Member of the Senate I cannot see reports that are committed by this bill in terms of reporting back from agencies. Yet only the Appropriations Committee can see them? More importantly, you cannot see them to be able to hold us accountable to see whether we are doing our job? So one of the amendments just says, if there are reports required, and they do not compromise national security interests, everybody in America ought to get to see them.

In the last appropriations bill that amendment was accepted. But I will tell you what will happen to it. They will take it out in conference. They will say: Oh, it did not make it through conference. The American people cannot see this. They will not come out and say it. I will have to publicize it. But they will deny the ability for you to see the very reports they are asking for in this bill.

There is an earmark in this bill for a building less than two blocks from here called the Sewall-Belmont House. That house is used for a multitude of things. They have \$4 million cash in the bank right now, and we are going to give them another \$1 million. They have money in the bank, but we are going to give it to them anyway. Mostly what happens over there is fundraisers for Members of Congress, for which they charge \$5,000 to use. They make money. Yet we have decided we are going to give them \$1 million. Tell me that is a priority right now in this country.

So what we do is we take that \$1 million and send that \$1 million to the National Park Service because right now we have an \$11 billion backlog in our national parks, and they are falling down. But we refuse to fund them because we are doing things like this.

There is another amendment I have. We now have a conflict between agen-

cies where the Fish and Wildlife Service and the Department of Interior will not allow Homeland Security to protect our southern border because they are afraid it will mess up the environment. So what we have done is we have said protecting wilderness areas is more important than protecting our border.

This amendment says none of the funds in this bill can be used to prohibit or impede the Department of Homeland Security from protecting us on the southern border. Yet it is happening every day. We have testimony. We have internal documents that show the Department of Interior is limiting the ability of Homeland Security to protect our southern border. It makes sense that we should not do that. We should protect the environment, but we will not have that environment if we do not protect our southern border.

What we do know is, those areas where our Border Patrol cannot get to are where all the infiltration is coming today. It is where the drug trafficking is coming today. It is where multiple, multiple people are being raped by the people who are transporting illegal aliens through those wilderness and fish and wildlife areas.

So what this amendment says is, you cannot use money in the Department of Interior to preclude Homeland Security and the Border Patrol from doing their job, which is to protect us from the illegal transport of people and drugs and weapons into this country.

I have another amendment. We want to try to become more energy independent. We have all the renewable we are trying to do—whether it is wind or solar—yet the Department of the Interior is blocking the ability to create the transmission lines from where we have renewable sources. They will not allow the transmission lines to go across those areas. We want to get off foreign oil. We want to decrease our carbon use. Now we have started to develop alternative, renewable sources, and we have an agency that is blocking the ability to get that power to us. It makes no sense.

We can do that in an environmentally friendly way. So we cannot allow the Department of the Interior to block that and the ultra-environmentalists, who say they want us to have renewable energy but, by the way, they do not want us to be able to use it. So we will develop it and not have a way to use it.

There is several hundred million dollars in this bill to be used for the Federal Government to acquire more land. The Federal Government owns about 35 percent of all the land in the country today, but we cannot take care of the land we have. I mentioned earlier the backlog at the national parks. The National Mall has a backlog. The Statue of Liberty has a \$600 million backlog. Some of our biggest and best parks—the Grand Canyon, Mount Rushmore, several others—have hundreds of millions of dollars in backlog.

All the national park backlog grew \$400 million last year. In other words, we are letting what we have crumble as we go and spend almost \$360 million more on buying more land. This amendment says: Do not buy the land. Put the money in fixing our national parks, bringing them up. They are falling down. We actually have testimony where we are putting visitors at risk because our maintenance backlog is so great.

Third from the last is an amendment to require a report so we know what we actually own. We don't know what we own. The last time we had any estimate it was of 658 million acres and that was 2005. Nobody has done anything to know what we own, prioritize what we own, or say what is important. What do we need to protect the most? What do we need to get the backlogs straight on? How do we manage what we own? You can't manage what you own if you don't know what you own. All it does is require a report on the total land owned by the Federal Government and the cost to maintain the land so we can make coherent judgments about how to make priorities of what is important and what is not. This appropriations bill shoots from the hip, because they don't have the facts with which to make the decisions on how to prioritize.

Finally, we have this idea of national heritage areas. We now have four times more than was ever authorized in the original bill. What happens is we create a national heritage area and pretty soon you are out there on your farm or in your neighborhood and because it is a national heritage declaration, we fund special interest groups that come in to lobby to make sure what happens to your land is what they want to happen, not what you want to happen with your land. So what we say with this amendment is if we are going to create a national heritage area, all the landowners ought to be notified. If they want to be included in that, allow them to opt in. Allow them to choose to be in the national heritage area. But if they don't want to be, their property rights ought to be secure. So what we say is allow them to decide whether they want in or out and they have to opt in if they want in.

Our Bill of Rights guarantees our right to our property, an unfettered right. The national heritage areas destroy that and allow groups with an interest that is funded by the Federal Government—you didn't get any of the money—to come in and have the power and the money to lobby to change the restrictions and land codes against your will. Most people who have found themselves in a heritage area don't know it until they get ready to do something with their own land and find out that: Oh, my goodness, the Federal Government has caused somebody to change my ability to do what I want to do with my land. I am not talking crazy; I am talking responsible action by a landowner. So what we are doing

is denying a fundamental right guaranteed under the Bill of Rights as we create all of these heritage areas.

It is fine if you want to be in one, but if you don't want to be in one, you ought to have the ability to not be in it and it shouldn't be assumed you are in it because we in Washington say you should. You ought to be able to say you should and you ought to have the knowledge with which to make that decision. That is called real transparency. That is called protecting freedom. That is called letting people be responsible for their property rather than us mandating from Washington what will and won't happen with our property.

Then, finally, an amendment I offer on every appropriations bill. It comes from what President Obama said he wanted to do, and that is to mandate competitive bidding on everything we buy—no more well-connected, well-heeled inside deals but competitively bid so that the American taxpayers truly get value for the dollars they are sending here and, even more importantly, the 43 percent our kids are going to be paying for, that they get value. Since we are borrowing their money, we are borrowing their future, at least when we borrow it, we ought to—and we are going to do misguided priorities and we are going to overspend and we are going to grow the government and double it in the next 5 years—the least we could do is to get real value when we go to spend your money and your kids' money.

As my colleagues can see, I am not a very big fan of this bill. As a matter of fact, I am not a big fan of any of the appropriations bills, because the whole premise under which they operate is: Here is what we had last year and we are going to start from there, without ever looking at: Here are how many billions we are spending and is it being spent properly? Is there great oversight? No, there is not. There is terrible oversight. Is there duplication? We don't even care; we don't even look. We don't make the hard choices that the next two generations need us to make.

The most powerful committee in the Senate and the most powerful committee in the House is the Appropriations Committee, and \$400 billion of your money will be appropriated this year that is not even authorized. The appropriators don't even pay attention to the authorizing language because they are going to appropriate \$400 billion of things that aren't authorized. So then we have this parliamentary rule that says you can't legislate on an appropriations bill. Yet they legislate all the time by funding things that have never been authorized or have expired authorizations for spending. So we can eliminate \$400 billion tomorrow by following the rules of the Senate and the rules of the Constitution, but we play the game and people come to kiss the rings, to get what they want at home, to look good at home. Con-

sequently, we are extorted to pay with a vote for a bill that is like this one—this big 16.28 percent increase—so we can look good at home.

I want to tell my colleagues the American people are waking up. There is a rumble out there like I have never seen. It is a rumble I have been praying for. This country needs to be taken back by the people. This country needs to hold the Members of this body absolutely accountable. The only way that happens is if the citizens stay informed.

I will end with this. There was a President named Ronald Reagan. My little 3-year-old daughter at the time called him President Raisin because she couldn't say Reagan. He said one of the most profound things I have ever heard said. He said: Freedom is a precious thing. It is not ours by inheritance. It is never guaranteed to us. It has to be fought for and defended by each and every generation.

I am telling you in the last 20 years, our generations haven't come up to defend it. He wasn't talking about our military; he was talking about us being well informed citizens, holding us accountable, creating the pressure for us to be transparent so that you can, in fact, know and count on us doing the right, best thing every time and that we put ourselves second and the country first. That is what he was talking about.

The rumble that is occurring in this country can't come soon enough or big enough to change both the Senate and the Congress. It is not partisan. It is sick on both sides of the aisle. What we need is a real revolt against the status quo and an engagement and an enlistment by the average American to speak out, to come out and hold us accountable to do what is best for the generations that follow and cause us to reembrace what built this country, which is a heritage of sacrifice today to create opportunity for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

The Senate is on H.R. 2996.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 18 minutes.

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

#### FINANCIAL MARKET INNOVATION

Mr. KAUFMAN. Mr. President, Wall Street has undergone a radical transformation in recent years. We saw the rise of high-frequency trading where buy and sell orders move in milli-

seconds. We saw the emergence of so-called dark pools which permit confidential trading in growing volumes to take place away from the public eye. We now see some trading firms' computer servers enjoying the advantage of onsite location, a practice known as colocation. We have seen the creation of flash orders which allow certain traders to see orders before anyone else. There have been new developments in payments for order flow, a practice that permits market centers to pay a broker to route a trade its way. These and myriad other practices, almost too complicated to describe, have fundamentally changed how our markets operate. We now have a high-tech, profit-driven arms race, which continues to escalate every day, that has transformed the ways and the places and the speeds in which stocks and other securities are traded.

There are at least two questions that must be posed—questions we must look to the markets' regulators to answer. First, have these opaque, complex, increasingly sophisticated trading mechanisms been beneficial for retail investors, helping them to buy at the lowest possible price and sell at the highest price with the lowest possible transaction costs or have they left them as second-class investors, pushed aside by powerful trading companies able to take advantage of small but statistically and financially significant advantages? And second, do these high-tech practices and their ballooning daily volumes pose a systemic risk? To take just one example, is anyone examining the leverage these traders use in committing their capital in such huge daily volumes? What do we really know about the cumulative effect of all these changes on the stability of our capital markets?

The proponents of these technological developments tell us this transformation has benefited all investors. But how can we know—truly, how can we know that—when so much of the market is opaque to the public and to the regulators? How can we be confident when the measurement and enforcement techniques used by regulators for ensuring best execution seem stuck in the past and when so many trade in milliseconds across fragmented markets to take advantage of so-called market latencies? And why should we assume it all operates in the public interest when these changes have not been fully analyzed, individually or collectively, to determine and protect the interests of long-term investors?

That is why, on August 21, I wrote to SEC Chairman Mary Schapiro calling for ‘a comprehensive, independent, zero-based regulatory review’ of a broad range of market structure issues, analyzing the current market structure from the ground up before piece-meal changes built on the current structure increase the potential for execution unfairness.” I told her then that “we need a thorough review . . .

so that our laws and regulations can keep pace with market developments." In a written response to me on September 10, Chairman Schapiro announced that not only was the SEC reviewing dark pools and flash orders, studies it had begun earlier this year, but that it would broaden its review to include regulation ATS threshold levels, direct market access, high-frequency trading, and colocation, which I explained earlier.

Adding action to these words, last week the SEC unanimously approved a proposal to ban the use of flash orders in our financial markets. Flash orders undermine the credibility of our markets by giving a select group of market participants a sneak peek at stock quotes. As Chairman Schapiro noted, "Flash orders provide a momentary head start in the trading arena that can produce inequities in the market." I applaud the SEC for this action. The proposal must be put out for public comment which the SEC will review before making a final decision.

I am hopeful that last week's action was a true beginning. Banning flash orders is only a small, though significant—very significant—step in the review of recent market developments.

Accordingly, I was also very pleased last week to hear Chairman Schapiro, the Commissioners, and the SEC staff voice their support not just for a flash order ban but also for the need for a comprehensive, ground-up review at the Commission of current market structure issues.

Chairman Schapiro asserted last Thursday that "other market practices may have . . . opaque features" and that she expects the Commission to "consider initiatives in the near future" that address "forms of dark trading that lack market transparency."

James Brigaglino, Co-Acting Director, Division of Trading and Markets, added:

I want to emphasize that today's recommended proposal is a first step in an ongoing review of market structure issues. The securities markets have experienced extraordinary changes over the last few years in trading technology and practices. Some of these changes have led to serious concerns about whether the regulatory structure remains up to date. The division is examining a wide range of market structure issues, including certain practices with respect to undisplayed or "dark trading interests" in addition to flash orders that are the subject of today's proposal. We anticipate making additional recommendations to the Commission in the coming months for proposals to address discreet issues, such as flash orders, that warrant prompt attention. There is also a spectrum of broader market issues and practices that affect the interests of investors and need to be examined closely.

I cannot tell you how pleased I am to hear that the Commission is taking the review seriously. I say bravo to the SEC. The agency tasked with upholding the integrity of our markets should actively review the rapid technological developments of the past few years and analyze their costs and benefits to long-term investors.

Eugene Ludwig, former Comptroller of the Currency, recently reminded us that each of the financial crises of the past 25 years—the collapse of the savings and loan industry, the Internet stock bust a decade later, and last year's credit market meltdown—was the result of inadequate regulation.

Another former regulator, Brooksley Born, a former Chairman of the CFTC, warned us of the opaqueness of the derivatives markets at a time when they were becoming big enough to cause trouble. Earlier this year, she recalled her warnings:

I was very concerned about the dark nature of these markets.

And further:

I didn't think we knew enough about them. I was concerned about the lack of transparency and the lack of any tools for enforcement and the lack of prohibitions against fraud and manipulation.

Unfortunately, history proved Brooksley Born right—unchecked, unexamined innovation severely weakened our markets and, as we all know, ultimately led to our financial disaster. Sometimes small, apparently technical innovations in our vast and complicated financial system can generate great benefits for all, and other times they can generate disastrous unintended consequences.

It is also fair to say that well-intentioned regulation in a complex market can also have unintended consequences. That is why we need regulators on the job, undertaking a thoughtful and reasoned analysis so we can have a clear view of where innovations may be taking us and whether wise regulations can help curb abuses. Regulators must keep pace with the latest market developments, and we in Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating. I say that again. We in the Congress must give regulators the tools they need to observe and stay abreast of the sophisticated financial players they are charged with regulating.

Three examples from the current debate are especially illustrative of this need: colocation of servers at the exchanges, flash orders, and direct market access.

When the exchanges first began to permit traders to place computers on-site, giving these traders a few microseconds' advantage, the SEC did not insist on regulatory approval. The Commission simply let it occur. There was no active consideration then, as I have called for now, of the means by which fair access can be preserved.

The same is true for flash orders. In May, the SEC permitted the NASDAQ and BATS exchanges to introduce flash-order offerings even though both admitted that the practice was of dubious value and that they simply were being driven to adopt it by the loss of market share to competitors. Both exchanges later reversed those decisions voluntarily, which is commendable,

but let's not forget that this was a telling example of rote, piecemeal review by the SEC staff applying outdated floor-based precedents to electronic-age developments.

Direct market access is another practice that deserves closer examination. Such agreements allow high-frequency traders to use their broker's market participant identification to interact directly with market centers. In order to maximize speed of execution, many sponsored access participants may neglect important pretrade credit and compliance checks that ensure faulty algorithms cannot send out erroneous trades.

According to John Jacobs, chief operations officer at Lime Brokerage, this risk is quite significant. He says:

At 1,000 shares per order and an average price of \$20 per share, \$2.4 billion of improper trades could be executed in this short time-frame . . . The next long term capital meltdown would happen in a five-minute time period.

When did direct access begin, and has the SEC ever considered its ramifications from a comprehensive standpoint?

Some are now saying that colocation and flash orders are very old-fashioned concepts and perhaps colocation, for its part, will ultimately be practiced better in the automated environment than it has been on the floors. I am sure some old hands can tell hair-raising stories about the old days and floor space out of the Chicago pits.

But that is the point: Colocation and flash are two of many transformational changes this decade that have been considered piecemeal and only in the context of existing policies. Like direct access, these changes may have been found equal or even superior to their floor-based antecedents, but in an automated age these changes need to be subjected to a holistic analysis of their collective impact on the markets and our regulatory infrastructure.

The same is true for high-frequency trading, dark pools, payment for order flow, liquidity rebates, and other market structure issues.

The rapid rise of high-frequency trading and dark execution venues has quite simply left our regulatory agencies playing catch-up. High-frequency traders can execute over 1,000 trades in a single second. Let me say that again—1,000 trades in a single second. According to the TAB Group, these traders are now responsible for over 70 percent of all daily U.S. equity trades—70 percent; that is 7-0 percent.

We are learning more about high-frequency trading every day. According to one industry expert:

Most high-frequency shops have huge volumes but few transactions. About 95 to 97 percent of trades are orders sent and canceled.

What does all this mean for the long-term investor? Trading is not only faster, it is also quickly becoming less transparent. Twelve percent of trades are now conducted in dark pools, compared to less than 1 percent 6 years

ago, and substantial percentages of trades are internalized at broker-dealers, never reaching a public exchange.

Maybe in the old days there were block trades happening in the dark too. I don't doubt it. But many commentators have raised concerns about whether the darkening trends today truly threaten to undermine public price discovery. The strength of a free market is in its public display of price quotes to all market participants.

These recent developments quite simply need to be better understood.

Yet still, after all the disasters, the billions of dollars lost, the homes foreclosed, the jobs lost—after all the pain that has been caused across this country—some on Wall Street reject even the notion of regulatory scrutiny.

They become defensive about the politicization of the process when Congress asks basic questions. They say Congress and the media can never understand high-frequency trading. They point to the benefits of high-frequency trading—narrowed spreads, added liquidity, and faster executions—and ask everyone to trust there will be no side effects, no unintended consequences. Some still argue that the market operates best without any regulation; that changes in market structure are the natural consequence of the innovative and competition and there is nothing good to be gained from regulators or Congress studying possible sources of inequity.

To their credit, not everyone on Wall Street has reacted this way. Others have said that now is the right time for a comprehensive review of market structure developments. These Wall Street leaders—true leaders—acknowledge there are indeed many valid questions being raised about dark pools, payment for order flow, other market innovations, and enforcement of best execution.

Indeed, some high-frequency traders have said they welcome a regulatory examination of high-frequency trading because they are confident high-frequency trading will pass the test with flying colors. That is the correct attitude. We need a regulatory review with Wall Street's cooperation.

It is in the nature of our financial markets to push the envelope, to take on more and more risk, and to exploit any crack in the wall when there are profits to be won. There is nothing wrong with this. But to have a full accounting, we also need to add up the costs to the long-term investor, to financial stability, to innocent bystanders of each new generation of innovation.

In years past, without a sufficient regulatory presence, an aura of invincibility developed at many financial institutions. We failed to ask questions, we failed to ensure regulators were on the field with the tools they need to do their jobs, and the results are clear: Millions of Americans have lost their jobs, their homes, and their savings. We must not repeat that mistake. We

must be sure that when financial markets push the envelope, take on more and more risk, and exploit any crack in the wall, they are monitored and regulated to assure it is in the public good.

It is time for Congress and the regulators to ask questions and for Wall Street to step forward responsibly and answer them with the data to back up those answers. We cannot simply react to problems after they have occurred. We need the information and resources to identify problems before they arise and stop them in their tracks.

Our goal is not to stop high-frequency trading. We don't want to slow it down. Liquidity, innovation, and competition are critical components of our financial markets. But at the same time, we cannot allow liquidity to trump fairness, and we cannot permit the need for speed to blind us to the potentially devastating risks inherent in effectively unregulated transactions.

We cannot forget that fair and transparent markets are the cornerstones of our American system. As I have said before, fairness in the financial markets may be an elusive and ever-evolving concept, but it must be defined and then vigorously defended by our regulators. The credibility of the markets and investor confidence simply demand that regulators be ever watchful, sophisticated, and tough against those who would breach the rules.

I am not demanding an immediate, wide-ranging regulatory overhaul. I will not place symbolic action over prudent investigation. That would be impulsive and irresponsible. But it is only prudent, given the risks of the past, that I will not allow potentially risky market practices to go on unexamined. I will ask questions and strive to improve my understanding of these opaque market practices and, if necessary, push appropriate reforms. I am very pleased the SEC has agreed to do the same.

If we fail to learn from past mistakes, we can be sure history will repeat itself.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the time until 4:15 p.m. be for debate with respect to the Vitter motion to recommit and McCaskill amendment No. 2514, with the time divided as follows: 5 minutes each, Senators FEINSTEIN, ALEXANDER, VITTER, and McCASKILL or their designees, with no amendments in order to the motion or the amendment prior to the vote in relation thereto; that prior to the second vote there be 2 minutes of debate, equally divided and controlled; that once this consent

is granted, the majority manager be recognized to call up the McCaskill amendment; further, that the votes occur in the order listed.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. No objection.

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

AMENDMENT NO. 2514

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2514.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mrs. McCASKILL, proposes an amendment numbered 2514.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the earmarks for the Save America's Treasure program and to provide criteria for the distribution of grants under that program)

On page 135, line 2, before the period at the end, insert the following: “, of which, notwithstanding the chart under the heading ‘Save America’s Treasures’ on page 30 of Senate Report 111-38, the entire amount shall be distributed by the Secretary of the Interior in the form of competitive grants on the basis of the following criteria: (1) the collection or historic property must be nationally significant; (2) the collection or historic property must be threatened or endangered; (3) the application must document the urgent preservation or conservation need; (4) projects must substantially mitigate the threat and must have a clear public benefit; (5) the project must be feasible; and (6) the application must document adequately the required non-Federal match”.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Missouri, Mrs. McCASKILL. This amendment would eliminate 16 congressionally directed spending items in the National Park Service’s Save America’s Treasures Program. I would like to say what these are: in Alabama, Swayne Hall, Talladega; in California, Mission Santa Barbara, Santa Barbara; in Florida, Freedom Tower, Miami; Iowa, Des Moines Art Center, Des Moines; Kansas, Colonial Fox Theater, Pittsburgh; Michigan, Big Sable Light-house, Luddington; Madison County Courthouse, Mississippi; Mississippi, Medgar Evers site, Jackson; Nevada, the Lincoln County Courthouse, Pioche; New York, the Strand Theater, Plattsburgh; New York, the Richard Olmstead Complex, Buffalo; Oregon,

the Wallowa County Courthouse, Enterprise; Rhode Island, the Warwick City Hall, Warwick; the State Theater, Sioux Falls, SD; the Blount Mansion, Knoxville, TN, and the Capitol Theater, Wheeling, WV.

Those are the 16 that would be eliminated.

The underlying argument is that this bill continues business as usual when it comes to earmarking funds, and this is hardly the case. The Senate leadership and the chairman and ranking member of the Appropriations Committee have built on the reforms established by the last Congress when it comes to congressionally directed spending. To offer more opportunity for public scrutiny of Member requests, Members are now required to post detailed information concerning their earmark requests on their official Web sites at the time the request is made. Each Senator must explain the purpose of the earmark and why it is a valuable use of taxpayer funds.

A list of every congressionally directed spending item in this bill has been on the Internet for public scrutiny since June 17, 2009, when it was first marked up by the Interior Subcommittee. For every congressionally directed spending item contained in this bill, the Senator has certified that he or she or his or her immediate family has no financial interest in the item requested. These letters of certification are available to the public on the Internet.

These reforms are not the status quo. They represent significant improvements in the transparency and accountability for the spending decisions contained in the various appropriations measures being brought before this body.

Let me now explain the process used to evaluate these specific Save America's Treasures earmarks. As Senator ALEXANDER and I have reviewed each of the 128 funding requests the Interior Subcommittee has received, we applied the same criteria that has been applied for the past 10 years and that has been codified in the program's authorization. When we did that, only 16 projects passed muster.

For example, if the project received funding in the past it was ineligible for a grant this year. If the project was a building and the building was not listed on the National Register of Historic Places, then it was ineligible for a grant this year. If the local authorities did not have the required one-to-one matching funding in hand, then it was ineligible for a grant this year.

Then, even if the project cleared those hurdles, we still set aside those requests that were not considered the highest priority by the requesting Members.

When that process was complete, what we ended up with were the 16 very good and credible projects that I have just read. So I urge a "no" vote on the McCaskill amendment.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER (Mr. BURRIS). The motion will be in order at the appropriate time.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I believe there is a time agreement so I cannot move to table at this time. I withdraw my motion to table.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time during the quorum call be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MOTION TO RECOMMIT WITH AMENDMENT NO. 2508

Mrs. FEINSTEIN. Mr. President, it is my understanding that there is 2 minutes equally divided on the Vitter motion to recommit. I ask unanimous consent to speak for 1½ minutes on the amendment.

Mr. VITTER. Reserving the right to object, I ask unanimous consent to have equal time on the amendment.

Mrs. FEINSTEIN. I have no objection to equal time.

Mr. VITTER. I have no objection to the modified request.

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

Mrs. FEINSTEIN. Mr. President, I oppose this motion to recommit because it would prevent the Obama administration from presenting its oil and gas development plan in favor of a draft plan issued by the Bush administration on its last business day in office. The amendment would overturn Interior Secretary Salazar's decision to extend the public comment period over a 5-year plan for oil and gas development on the Outer Continental Shelf by 180 days. The amendment would make the last-minute Bush draft binding. The Bush plan only allowed for a 60-day deadline for public comment. That is not enough time. The Interior Department received 350,000 public comments during the extended comment period. The Department should not be prevented from studying these comments and proposing the best plan it can.

In addition, there is currently insufficient data on available resources for the Atlantic seaboard where the Bush plan would extend drilling.

We should not make decisions to sell off taxpayer resources based on old information.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, of course, nothing in my amendment prevents the Interior Department from reading all those comments, from di-

gesting them. My amendment is simple and straightforward. It says: Remember last summer where almost all of America said this is ridiculous, drill here, drill now, let's use our own resources and not be held captive to foreign interests. Remember that. My amendment is about whether we listen to that or whether we will ignore it. Right now this administration and this Interior Department have pledged to ignore that and have pledged to forestall and put off the OCS development plan previously developed that is on the books and about to move forward. This question is simple: Did we listen to the American people when they spoke so loudly, so clearly, or is Congress going to ignore the clear will of the American people yet again?

Mrs. FEINSTEIN. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—56

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

NAYS—42

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

NOT VOTING—1

Byrd

The motion to table was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 2514

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided between each side to discuss the McCaskill amendment No. 2514.

Who yields time? The Senator from Missouri.

Mrs. McCASKILL. Mr. President, this amendment is a very small step. It restores a competitive grant program—a small competitive grant program. Over the last decade, competitive and formula grant programs have been decimated by earmarking. Earmarks have become more transparent under reforms that have been made, and that is great. Is the process still fair? No, probably not. The lion's share of the earmarks in this bill, in this program, and in all of the appropriations bills go to the very few Members who serve on one committee. This will allow us to put this money back into a competitive process so all the States in the Nation have an equal opportunity to participate.

Thank you, Mr. President.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, regrettably, I wish to speak against the amendment. There has been a rigorous vetting process of these projects. We looked at 128 requests. Only 16 of those passed muster. Earlier, I outlined the criteria which were strictly observed in selecting these projects. I outlined what the projects are. We applied the same criteria that is in the law. These are all excellent projects. I urge my colleagues to support the committee bill and oppose this amendment.

I move to table the McCaskill amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 294 Leg.]

## YEAS—72

Akaka	Cochran	Kerry
Alexander	Collins	Klobuchar
Baucus	Conrad	Kohl
Begin	Dodd	Landrieu
Bennet	Dorgan	Lautenberg
Bennett	Durbin	LeMieux
Bingaman	Feinstein	Leahy
Bond	Franken	Levin
Boxer	Gillibrand	Lieberman
Brown	Graham	Lincoln
Brownback	Gregg	Lugar
Burris	Hagan	McConnell
Cantwell	Harkin	Menendez
Cardin	Hatch	Merkley
Carper	Inouye	Mikulski
Casey	Johnson	Murkowski

Murray	Sanders	Udall (CO)
Nelson (NE)	Schumer	Udall (NM)
Nelson (FL)	Shah	Voinovich
Pryor	Shelby	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Tester	Wyden

## NAYS—26

Barrasso	DeMint	Kaufman
Bayh	Ensign	Kyl
Bunning	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Grassley	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

## NOT VOTING—1

Byrd

The motion was agreed to.

Mr. REID. 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.

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

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

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have to vacate the Chamber at 5:30 p.m. so the room can be swept for the ceremony. I know Senator ENSIGN wishes to speak. I have stated to him that he could speak, so I would like to have the floor open to him to speak for the remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, tomorrow, from what I understand, I will have a motion to recommit this bill with instructions that hopefully will be part of the unanimous consent agreement. Let me describe exactly what my motion to recommit says.

Last week, I did a similar motion to recommit on the T-HUD appropriations bill because that bill was dramatically increased. And this week's appropriations bill on Interior has yet another huge increase. In 2008 to 2009, the increase was 4 percent. This year, the increase is 16.28 percent.

Every local government, State government, probably almost everyone in the United States is cutting their budgets. Almost every business is cutting its budget. Most households in America are cutting their budgets because of these difficult economic times. But what do we do in Washington, DC? We print money and we dramatically increase spending.

The National Taxpayers Union has agreed with me, and they are asking the Senate to vote "YES" on my motion to recommit, which I will be offering tomorrow. They are saying we need to have fiscal discipline at this time. And we just cannot keep running up spending around here. That is what we are doing.

If we look at each one of the appropriations bills so far this year, Legislative Branch, last year was an 11-percent increase, this year it is about a 5-

percent increase; Homeland Security, almost 10-percent last year, and it is going up by 7 percent this year; Energy and Water had the smallest increase; Agriculture had about a 13-percent increase last year and about the same percentage increase this year; T-HUD, Transportation and Housing and Urban Development appropriations, had a 13-percent increase last year and almost a 23-percent increase this year; and, of course, the bill we have before us now, which is Interior, a 4-percent increase last year, and over a 16-percent increase this year.

By the way, here is the inflation rate. Last year was negative inflation. This year, there is almost no inflation. Yet around here we keep running up our deficits.

So far this year we have \$1.56 trillion in deficits. This says it pretty well: 43 percent of every dollar we are spending this year is deficit spending. We are borrowing from future generations so we can give us what we want, so we can get reelected, so we can go back home and pass out the goodies. That is what a lot of these appropriations bills are—they are passing out the goodies, they are increasing spending on the backs of future generations.

When are we going to get serious in this body about fiscal restraint? The other side of the aisle criticized us during the last 7-8 years for spending too much money. In some regards, they were right. But compared to what they are doing right now, we were fiscal conservatives by a large degree. What they are doing is dramatically raising Federal spending.

The problem with this increase we have before us today in this spending bill, over 16 percent, is if we keep these kinds of spending increases up, it will double the spending within 5 to 6 years. What happens this year is we spend more money. That gets put in the baseline budget for next year, so any increase next year is on top of the increase this year. And so each year is increased and increased and then increased some more. We never seem to go backward or reduce spending in this body. We only go higher and higher as far as spending levels are concerned. It seems there is no limit to our appetite for spending around here.

The American people have woken up. And I am actually the most encouraged I have been, I think, in my entire political career, watching people getting involved, hearing from them from all over my State of Nevada, and seeing them all over the country getting involved, saying: It is time that we think about the greater good in America; that we do not think about pet projects or pet programs or any of these massive spending increases. It is time we show fiscal responsibility and we start getting back to what the Framers of our Constitution envisioned when they saw a limited Federal Government, not this expansive Federal Government.

Tomorrow, when we vote, I urge hope this Chamber will say: Now is the time

that we are going to start showing some fiscal restraint. We are going to say: Yes, we will tighten our belts. We will snug it up a little bit. We will make some of the tougher votes. We will say NO to some of the special interest groups around the country that come to our offices every year for more and more money. Let's make priorities. Let's look at things that are working and some that are not. Let's take the money away from the ones that are not and reduce the deficit. That is what we need to be thinking about in this body.

I hope my words do not fall on deaf ears. I hope people in this body will actually start thinking about future generations instead of just thinking about their favorite projects that they want to fund and their special interest groups to whom they want to pay attention.

Mr. President, I have concluded my remarks. I yield the floor.

Mr. BEGICH. Mr. President, I rise to speak about 3 amendments. The first provides funding of an environmental impact statement important to the future of residents of my State.

On March 30, 2009, the President signed the Omnibus Public Lands Act, Public Law 111-11. That bill enacted many important conservation provisions including the first major new wilderness areas in many years.

That bill also provides a path for a major land exchange in Alaska which would lead to the designation of the first new wilderness in Alaska in a generation. A part of the act directs the Secretary of Interior, through the U.S. Fish and Wildlife Service, to perform an environmental analysis and then for the Secretary to determine if the land exchange tentatively approved in the Omnibus Public Lands Act should be executed.

My amendment provides necessary funding, in the amount of \$1 million, for the EIS which this Congress has ordered. Because the bill was only enacted in March, there was no time for the regular budget process to take into account the requirements of this important study.

The Fish and Wildlife Service is also seeking funding in the fiscal year 2010 budget process, but Alaskans have waited long enough for resolution on this issue. Not only is the land exchange critical to provide key new wilderness and refuge additions, it is the path for a group of my Alaska Native constituents, 800 residents of the village of King Cove, to get safe access to the Cold Bay Airport.

Because this issue was debated in the Halls of Congress for a number of years, I will not go into great detail here. In short, however you feel about this land exchange, whether you favor the interests of the indigenous people with roots in the area going back 4,000 years or more or if you do not approve of the land exchange and the road corridor it facilitates, the people of King Cove deserve the answer that the government has promised them.

They suffer from some of the worst weather on the planet. Anytime of the year, residents with emergency medical needs can risk their lives either flying over or crossing Cold Bay to get to Alaska's third largest airport at Cold Bay, AK. Over the last 20 years, a number of my constituents have been killed trying to make this trip. The only safe alternative is a road.

The land exchange to be studied is of monumental importance. It provides 61,723 acres of new wilderness and refuge lands for a mere 206 acres to be used as a road corridor.

Ultimately, the decision on whether this exchange is to be executed rests with Secretary Salazar after completion of the EIS. All my amendment does is fund that EIS and keep the Congress's promise to the Aleut residents of King Cove that this process will move forward expeditiously.

Mr. President, I have drafted this amendment so it will have no budget impact. It will not add new spending. Instead, it provides that funding should come from the overall bill. This should not be subject to any budget point of order.

The next amendment would allow the Chugach National Forest, in the Alaska region of the U.S. Forest Service, to retain receipts from a proposed sale of gravel and other minerals further development of a popular hiking and tourism enhancement program.

It has become a tired cliché to say that we should run government like a business. But in the best sense of the phrase we imply that, like the private sector, we should reward individual management decisions that creatively solve problems and make good use of limited resources. The amendment in front of you does just that.

The National Forest System is based on a theory of managing for multiple uses. The gravel resource at Spencer Mountain is sought after commodity for building projects around Southcentral Alaska and can be easily developed and sent to market via the Alaska Railroad. This amendment proposes to allow the Chugach National Forest System to retain the revenue from that gravel operation to enhance the wildly popular Chugach Whistle Stop Project, a joint initiative of the Forest Service and the Alaska Railroad.

The Whistle Stop Partnership uses efficient self-propelled railcars called DMUs—diesel multiple unit—to transport smaller groups of passengers to track side destinations developed by the Chugach National Forest. These destinations include hiking trails, picnic grounds, rental cabins and no-fee campgrounds, and guided rafting and canoeing operations run by private outfitters.

Begun in 2007, the program has proved overwhelming popular and provides unique and appropriate access to backcountry destinations, allowing residents and tourist alike to enjoy remote parts of the Chugach National

Forest. When complete, the experience will allow hut-to-hut hiking and other personalized recreational opportunities. The estimated remaining cost to complete the project is \$13 million. This includes an additional self-propelled rail car, 4 additional Whistle Stop locations, 30 miles of trail with associated bridges, 6 public-use cabins, and 24 backcountry campsites.

Despite the combination of mineral resource development and tourism promotion into one project, the Whistle Stop Project and this budget request have no significant opposition. At a time when the tourism industry in Alaska is suffering a 25-percent drop in visitors, this project would immediately provide an important, if targeted, shot in the arm.

Mr. President, I ask for your assistance in rewarding good management, allowing residents and visitors to enjoy the Alaska backcountry, and promoting an important industry in Alaska.

The third amendment provides full and adequate funding for the subsistence management budget for the Alaska region of the U.S. Forest Service.

The United States settled its lands claims agreement with the Native people of Alaska with the passing of the Alaska Native Claims Settlement Act, ANCSA, by Congress in 1971. Through ANCSA, Congress promised Alaska Natives that they would retain their right to subsistence harvest of the fish and game in Alaska. Congress made good on that promise through title VIII of the 1980 Alaska National Interest Lands Conservation Act, ANILCA. Title VIII provides rural Alaskan residents a subsistence priority to harvest fish and wildlife on Federal lands over sport and commercial uses.

That Federal statute is now in direct conflict with the Alaska State Constitution, which does not allow a priority based on residency. As a result, the Federal Government assumed responsibility for subsistence management on Federal public lands in 1990 and expanded its responsibility to federally reserved navigable waters in 1999. Federal subsistence is a joint effort of the Departments of the Interior and Agriculture, with management on National Forest System lands the responsibility of the Forest Service.

Three main aspects of the Federal program are regulatory, law enforcement and education, and information gathering. The regulatory program includes establishing the basic rules for fish and wildlife harvest and seasonal and in-season adjustments to address immediate conservation issues. Information gathering includes the fish and wildlife monitoring necessary for regulatory purposes. This generally consists of stock assessments that are often contracted out to local groups, primarily Alaska tribal organizations. The final general category is law enforcement and education to make subsistence hunters and fishers aware of the regulations and enforce them.

In fiscal year 2009, the Alaska Region Forest Service funding level for subsistence management activities in the two largest forests in the National Forest System—the 17 million acre Tongass National Forest—an area roughly the size of West Virginia—and the 5.6 million acre Chugach National Forest—totaled \$5 million. The current bill before you would only fund half this amount, \$2,582,000.

The need has not suddenly changed, and I hope Congress has not suddenly forgotten its obligation to the Alaska Native people. I can only hope that the fiscal year 2010 amount resulted from the innocent ignorance of an incoming administration about the obligation the Federal Government has to the Alaska Native people.

Subsistence hunting, fishing, and gathering is about more than simple economics. It is about the survival of a way of life and identity of Alaska's Native peoples. However, its economic importance is central to rural Alaska life and cannot be overstated. Rural Alaska residents harvest approximately 44 million pounds of fish and wildlife for food, the replacement value of which is \$220 million.

Subsistence is a major source of employment and sustenance for families in rural Alaska; subsistence participants work to feed and clothe their families. Wild foods supply one-third of the caloric requirements of rural Alaskans, in many remote communities it can total 75 percent or more.

One in every five Alaskans lives in a rural area, about 125,000 people in more than 250 communities. Most rural settlements are off the road network and are comprised of fewer than 500 people, the majority made up of Native villages. In a State where approximately 15 percent of the population is Alaska Native, nearly half of all rural Alaskans are Alaska Native.

Of subsistence foods taken by Alaskans, 60 percent of the catch is made up of fish, land mammals make up 20 percent, marine mammals make up 14 percent, birds, shellfish, plants, and berries make up the remaining 6 percent of the rural harvest of wild food.

Mr. President, I ask for your assistance in helping the Federal Government honor its commitment to the Alaska Native people and fully fund the Alaska Region Forest Service subsistence management budget.

#### MORNING BUSINESS

**Mrs. FEINSTEIN.** Mr. President, I ask unanimous consent 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.

#### TRIBUTE TO VIVIA MOTSINGER

**Mr. REID.** Mr. President, I rise today to honor a good friend, Vivia Motsinger, on the recent celebration of

her 90th birthday. A longtime resident of Washington, DC, Vivia's 90 years may best be characterized by her incredible work ethic, as well as her unwavering devotion to public service.

Vivia Motsinger was born the daughter of a shipbuilder in Portsmouth, VA, on September 20, 1919. Years later, Vivia's father moved the family to our Nation's Capital in order to work in the construction of government buildings. She went to school at Roosevelt High, where she graduated in 1935 at the age of 16. Tragically, 2 years later her father died, making teenaged Vivia the only breadwinner in her family. Grateful to have the aid of Social Security to supplement her meager earning power, Vivia started out her career working hard to assist her mother and younger sister.

Vivia's professional career saw her begin as a clerk at a naval gun factory during WWII. Later, she found employment as a stenographer and an administrative assistant at the U.S. Department of State. Mrs. Motsinger's final position, before she retired, was that of a Foreign Service worker. She is very proud of the accomplishments that she has made and grateful for her years of service to the Federal Government.

Vivia has been blessed with a loving family. She married a remarkable husband, who worked as an officer for the Central Intelligence Agency, and raised a son who is now employed by NASA. She loves her church, the Church of Jesus Christ of Latter Day Saints, and is proud to have become a member some 34 years ago. She has spent her years of retirement studying her heritage, a hobby which has driven her to become avidly involved with genealogy and research.

With her optimism and strong work ethic, Vivia represents the spirit of America. Despite challenging circumstances, she has achieved great things. I congratulate Vivia Motsinger on this her 90th birthday.

#### GOLD STAR MOTHER'S DAY

**Mr. DURBIN.** Mr. President, this Sunday marks Gold Star Mother's Day, a day for us to honor the mothers of servicemembers lost while serving in our Armed Forces.

This Sunday, the last Sunday in September, is a day that is part of a larger Gold Star tradition, one that brings together all family members who have lost a son or daughter in uniform.

The gold star has its roots in World War I, when families would display in the windows of their homes a blue star for every family member who was serving and a gold star for every family member who had died in the war. In 1936, Congress established the last Sunday in September as Gold Star Mother's Day.

America has been home to hundreds of thousands of Gold Star Mothers, each of whom has lost a child. They often choose to become part of an organization of other Gold Star Mothers,

one that—in the words of one mother—"none of us ever wanted to become eligible to join but we are grateful to have." It is a testament to their strength that so many continue to volunteer and to remember, long after they learn of their own loss.

On Sunday, the American people are encouraged to display our flag and also to hold meetings to publicly express the love, sorrow, and reverence we have for Gold Star Mothers.

Gold Star Mothers from across the country will visit our Nation's capital, to remember. They will visit the Vietnam Veterans Memorial Wall, a short distance from this place, where many will lay wreaths for their sons or daughters. They will travel to Arlington National Cemetery and view the Tomb of the Unknown Soldier.

In Illinois, Gold Star Mothers will be recognized in ways big and small, from the Governor's annual ceremony in Chicago, to a barbecue held in their honor at the Middle East Conflicts Wall Memorial in Marseilles, IL, to commemorations in townhalls and on radio shows.

Gold Star Mothers affect every community in this country. Their presence is another reminder that in the Senate, the vote for war is among the most significant votes a Senator will ever take.

I hope all Americans will take a moment out of their day this Sunday to honor Gold Star Mothers, their families, and their children who died while serving our country.

#### PUBLIC OPTION LITE

**Mr. KYL.** Mr. President, a September 17, 2009, editorial in the Wall Street Journal, "Public Option Lite," clearly and concisely describes how the Finance Committee chairman's health care plan would result in a near total government takeover of the health care industry.

Because it does not include the public option, the chairman's plan has been touted as a more moderate proposal than other bills before Congress. But, as the Journal writes, the absence of the public option "is a political offering without much policy difference. His plan remains a public option by other means."

Near total government control would be achieved through the bill's two main mechanisms: an individual mandate for all Americans to purchase government-approved insurance and the regulatory insurance "exchange." The inevitable outcomes of these mechanisms would be "vast new insurance regulation" and "a vast increase in the government's share of U.S. health spending, forcing doctors, hospitals, insurance companies, and other health providers to serve politics, as well as, or even over and above patients." Thus, power would be centralized with politicians and bureaucrats, rather than patients and doctors.

Along the way, as the editorial points out, the bill would increase the