Congress, in an overwhelming bipartisan vote, enacted the NASA authorization bill of 2008, which stated that the space station should be kept in service until at least the year 2020. In the bill, we also required NASA to ensure that the capability to continue shuttle flights in support of the space station should be preserved for a period of time to give the new administration a chance to consider its plan for NASA.

The Obama administration ordered a full review of U.S. human space flight plans as part of its 2010 budget request and eventually deferred a final proposal until the 2011 budget request. One of the important points made by the review committee, chaired by the eminently qualified Norman Augustine, was that the space station should be extended until 2020, which is what Congress has already said is the policy of our country. The President's proposal accepts the recommendation which is consistent with the 2008 bill and which I believe is vital to making full use of the scientific research capacity that is only just now being made available with the completion of the space station assembly. However, I remind my colleagues that the space station was designed and built with the idea that the shuttle would be available to keep it supplied and maintained, and to be able to bring large replacement or spare parts up should they be needed in order to keep the space station functioning. The parts and equipment being flown on the last three remaining shuttle flights were selected from over 1,400 total items based on what would be needed for the station to be extended until 2015.

So while I commend the decision to extend the life of the station until 2020, flying the remaining shuttles scheduled for this year before completing an analysis of the station's needs based on a 2020 service date would surely be a mistake. We need to determine the parts and equipment needed to extend the station's life and ensure we have the capability to deliver them to the station. If we were to end the shuttle program as scheduled this year, we would be dependent on the Russian Soyuz vehicle and other possible cargo vehicles which lack the capability that the shuttle provides. Now let me remind all of those who are interested in the cost that using the Soyuz costs over $50 million per person. Probably a minimum of six per year—well, six over a 2-year period, so at least three per year—would be about $150 million a year. This is $150 million that we could be using to extend America's capabilities for its crewed vehicle that we have on the drawing boards—the Constellation program. We could be putting that money to our use rather than paying the Russians for the Soyuz, for using their vehicle. The President's proposal fails to recognize this, thereby endangering our ability to sustain the station until 2020. My legislation would address this deficiency by keeping the shuttles as an option at a reduced rate of two flights per year, but only until it can be determined that the station has parts and equipment on hand to keep functioning until 2020 in the absence of the shuttle's capability.

The President's proposal also relies on a still emerging commercial space industry to develop the launch and crew-carrying capability to replace the shuttle. I support the development of a commercial capability, but as a supplement to a NASA capability, and with the development—and proving out—of a cargo capability. We should take this first step in commercial development before committing our entire national human space flight effort to launch systems that would be another generation beyond the cargo capabilities currently being developed.

I remind my colleagues that much of the ''business case'' for a commercial system is based on the assumption of a viable space station. If the risk to station survivability presented by the President's proposal is not addressed, the case for investment in a commercial sector may weaken and the development of these capabilities may not even materialize. If this happens, America would have no long-term space flight capability and would need to rely completely on other nations for access to space. If an accident or technical issue results in the Russian Soyuz being unavailable for any extended period of time, the space station would very likely have to be abandoned and deorbited within a matter of months. Taking that level of risk is entirely unacceptable for a nation with our history of space leadership.

A nation with our heritage of stretching beyond the possible and reaching for the heavens deserves more. We need an approach that ensures the sustainability of the station, facilitates the transition to a replacement for the shuttle, and reduces the gap in our Nation's ability to reach space. My legislation would address these issues by allowing for the extension of shuttle if needed for station sustainability and authorizing the accelerated development of a NASA-owned replacement to the shuttle such as a shuttle-derived design using existing systems and capabilities and the current contractor workforce, which might be available in time to shorten our reliance on other nations for access to space after the shuttle is retired. All of this can be done while allowing for the change in NASA's long-term mission and the increase in scientific research and technology funding envisioned in the President's proposal. Simply moving—and this is how we can do it within a budget that does not increase spending—we can move the remaining shuttle flights scheduled for this year into 2011 and 2012, and adding the backup flight already prepared as a contingency would provide enough flexibility to complete the analysis of station needs and guarantee a cargo capability for an additional 2 years. It is possible to accomplish even this modest but critical goal while holding the line on spending at the level in the President's budget. That is key, that we can do this within the President's own budget, yet extend our capabilities to have our control over the shuttles that would provide the space station what it needs to continue as we assess the needs to go on until 2020.

The principles necessary to bridge the gap between the President and Members of Congress have been set forward by my legislation that has also been introduced in the House. All that is needed to align these principles with the President's goals and existing budget realities is a willingness to make the effort and take the same risks that have been hallmarks of our Nation's commitment to space exploration. The bipartisan foundation is there to make a cooperative effort.

I stand ready to work with the President to bridge the differences between his budget proposal and the views of many in our Nation and many in Congress that the proposal places too much faith in unproven private sector alternatives to a NASA-managed replacement for the space shuttle and does not address the critical need to ensure the full and complete utilization and return on the investment in the International Space Station. For the sake of our Nation's space program and future generations of space pioneers, I hope when the President returns from his trip to Florida, he will accept my invitation to work together on a comprehensive space flight proposal that is worthy of our Nation and one that I think all of us who have worked on this issue for years—I am the ranking member of the Commerce Committee and I have been the chairman of the Space Subcommittee. I know we can do this. Senator NELSON of Florida, Senator LEMIEUX of Florida know this issue so well. We can do this if the President will work with us to come forward with a plan that is budget responsible and has the capability to extend our shuttles and make sure we utilize the investment we have already made in the space station.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

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

## FINANCIAL REFORM

Mr. GREGG. Mr. President, I rise to speak a little bit about one of the major issues which we are about to take up here in the Senate and which has been discussed at considerable length throughout this country, and especially here in Washington, over the past 2 years as we have dealt with the financial crisis, and that is the issue of fiscal reform and financial reform.

The country went through a traumatic experience of inordinate proportions.

We were on the verge in the fall of 2008 of having our entire financial industry implode, and not only the big financial systems in New York City and around the country, but Main Street America was clearly at risk and had the potential to suffer massive damage.

That cataclysmic event didn't occur because we as a Congress and the administrations of President Bush and of President Obama took some very bold and aggressive action in the way of coming in and stabilizing the financial industry of this country. As a result, we did not have the type of events that were predicted.

Some had said if the financial institutions had been allowed to unravel, we would have been into another Depression-like period. One former Secretary of the Treasury projected that unemployment could have gone as high as 25 percent. Obviously, we have been through a difficult time. The recession has caused great harm. Americans have been under tremendous financial stress. But the damage that might have occurred has been muted to some degree by the actions we took. Now we are at least getting the TARP money back with interest from the banking industry. We are not getting it back from the automobile industry or AIG, but from the banking industry we are getting it back with interest, and we are going to actually make money for the American taxpayer, the stockholders in these various entities we had to support.

The question remains, how do we avoid this type of event occurring again. That involves a lot of different actions that should be taken, because the causes of this event were multiple. One of the causes was clearly that the Federal Reserve kept interest rates too low for too long and made money too readily available. Another cause was the Congress's own decision throughout the 1990s and the early part of this decade to basically promote—and in some instances force—lending for the purpose of buying homes, when the people buying the homes didn't have the wherewithal to support the obligation they were undertaking. The homes in many instances didn't have the value at which they were assessed. There was an assumption of appreciation that would occur that never occurred.

A third cause was plain, old-fashioned, horrible, and sometimes illegal underwriting, where people were essentially putting out loans in a totally inappropriate manner. Then those loans were being securitized. I have described it as an inverted pyramid, where possibly the person who was giving the loan was just interested in the servicing fees of making the loan, in the origination fees of making the loan, not in the actual obligations of the loan, and then the loan ending up being securitized out in the market. You had all sorts of counterparty liability and multiple structure built on top of this one loan that basically didn't have either the asset value or the capacity of the individual to pay it back. That was the systemic event that was a function of bad underwriting.

So what can we do to correct this? Well, one thing we can do, obviously, is reform our financial structure in this country. It clearly wasn't up to the regulatory needs that were necessary, and there was clearly a lot of activity occurring in the financial markets that was wrong and inappropriate. There is this huge discussion going on now, bills have made their way through the House, and there has been a proposal from the administration—in outline form at least—and there is one from Senator DODD and specifics that have been brought forward in the Banking Committee. There is going to be a major attempt to reorganize our financial institutions.

I think that as we go down this path we have to be thoughtful and constructive. There is this fervor of populism sweeping across our Nation on this issue. The fires have been fanned by the White House and a lot of other people in a very inappropriate way. Populism isn't a good way to try to address something as complex as this type of issue. It is sort of like a beach ball bouncing down the beach that is caught up in the wind. That is the way this financial reform effort seems to be going forward. There is not a lot of thought behind it—just a lot of energy and talk, with ideas that may be politically attractive but in the end will probably do more harm than good.

Our goal should be three things: One, we should reform the systems. We need to put into place, to the fullest extent we can, changes in the way we regulate the financial structure so we avoid a future systemic event. It is pretty hard to project what the next systemic event will be, but we know what the last one was and we should be able to correct those problems. We can anticipate to some degree what the next events may be, and we should try to do that.

Second, we should recognize that we are in a competitive world, and that what we do in the United States to structure our financial system is going to determine whether the United States remains competitive with other nations that have sophisticated financial systems. It is very important that in doing this we not push offshore American jobs and American capital, because it becomes too onerous to manage capital and create jobs in the United States in the financial sector. We, in fact, should have as one of our goals—the first goal being addressing the system's risk—the desire to make America the best place in the world and the soundest place in the world to create capital and credit, so that the engine that drives our economy—remember, our economy is driven not by the government. I know the President says the more you grow government, the more prosperity you get, and he is certainly trying to prove it, but that is not what drives our economy. What drives our economy is entrepreneurs, people willing to take risks, the initiatives by Americans to create jobs. You cannot do that unless you have credit, and you cannot do it unless you can get capital.

One of the great geniuses of our system, which has made us more competitive than the rest of the world, is that we have always been a place where capital and credit have been readily available to responsible people and risk-takers. We need to keep that atmosphere. When we are finished with this process, we should have a regulatory regime that addresses the issue of systemic risk and at the same time says to the world: bring your capital here; this is the best place to make a loan and underwrite entrepreneurial spirit.

Third—and this is tied to the second—we need to remember this is about Main Street, about making sure that on Main Street in America people have the wherewithal to take that risk, and to get that job, and to buy that house, but that they have it in a context of a sound banking system, one that is a supportive and strong one, and a sound financial system—not one that has been forced to retract as a result of excessive regulations being put on it here in Washington.

If we approach this in a thoughtful way, a pragmatic and constructive way, rather than this populist fervor, where we say everybody on Wall Street is evil, and everybody in banking is evil, and everybody who makes loans is evil—which seems to be the philosophy or theme around here—if we take a more constructive and thoughtful way, we will actually end up with a much stronger and better nation. Often these periods of populist fervor—and we have had a lot of them—Huey Long, William Jennings Bryan—the list is long. Those folks usually end up cutting off their nose to spite their face. These ideas sound good and have a nice jingoistic ring to them, but in the end it undermines the ability to do the basic purpose, which is to make America more prosperous and create more opportunity for Americans and create more jobs.

This is not an issue that needs to be partisan. We have a lot of big, complex questions here to address. With the exception of one, as far as I can tell, none of them has any partisan flavor to them of any significance. First, of course, is what do you do about ''too big to fail.'' First, it should not exist. There should be no business in this country that is too big to fail. Basically, any company, any business that makes bad decisions should not have some implied guarantee that it is going to be bailed out by the Federal Government or the American taxpayer. If you make a bad decision and put your financial house at risk, your stockholders should pay the price; your secured bondholders should pay the price, not the American taxpayers. I think there is agreement on that.

On our side of the aisle we have some good ideas on how you end ''too big to fail.'' As a practical matter, they are better ideas than have been put out by anybody else so far. But they are not partisan ideas. They are just good, sound policies as to how you accomplish this. It could be done. The best ideas have been put forward in a bipartisan way, by Senator WARNER from Virginia and Senator CORKER from Tennessee. That is the first issue. We should be able to reach a comprehensive agreement on that.

Second, of course, is how do you manage risk and structure our regulatory regime so they can see that risk coming and take action. I think there is consensus on both sides of the aisle. Basically, you set up some sort of risk council, where you bring key regulators in and make sure there is communication, you try to end the stovepipes, and you try to cross-fertilize the information, and you don't allow arbitraging regulators so people don't go out and hire the cheapest or weakest regulator. There is not much difference of opinion on that. We can reach agreement on that.

Third, of course—which is huge here—is the question of derivatives, which are very complex. There is no simple answer to this question, on this issue, when you look at the detailed language. What is the purpose of derivatives? It is to basically give the market liquidity, to make sure you have the ability to put out the credit, to make sure that when some business in America needs to protect itself from a downside risk it sees coming at it, it has the capacity to buy that type of protection in the market, that type of insurance. They are extremely important instruments for the purpose of basically being the insurance and the oil that makes the American machinery of entrepreneurship and job creation work. Big companies and smaller companies need them, but especially big companies need these instruments. They need to have them readily available in a way and in a form that makes them usable.

I have been working with Senator REED from Rhode Island for a number of months on almost all the technical issues of how to make the derivatives market stronger, better, and more sound, basically get more liquidity and transparency. On almost all issues we have a pretty good agreement and sense of where we can go. If we continue to work on it, hopefully, we can reach a complete agreement. We do have an issue on the question of mandated exchange treatment of derivatives, which I think can be resolved—I hope. It is not a partisan question. It is a question of how you do it best. That is the approach we should take.

Last is the issue of regulatory structure. Who should regulate what? That is a question of how best you line up the regulators to make sure there isn't regulatory arbitrage where people try to shop for the best regulator. I strongly believe the Fed needs to be a major player in the regulatory structure. The Fed has shown itself to have the depth and professionalism and the resources to regulate effectively. I hope we would end up with a structure that would recognize that fact. I think there is general agreement on structure that can be reached here. Again, I think we can reach an understanding.

The issue where we have significant differences is consumer protection and how you deal with that. On our side, most of the folks strongly believe you cannot separate consumer protection from safety and soundness. The regulators who have the responsibility for safety and soundness should have the responsibility for consumer protection, and it should be at the same level so there is no question that the consumer receives the same type of attention and support that the regulators put into trying to make sure the banks the consumers get their loans from are safe and sound. When you separate the two and set up a freestanding, autonomous consumer agency, you create significant issues on safety and soundness. The purpose is to make our financial system stronger, not weaker. A separate independent consumer agency with potentially a political agenda or social justice agenda, which has nothing to do with safety or soundness, could easily undermine safety and soundness of the banking industry, especially the community banks—remember, these are the folks on Main Street—essentially creating an atmosphere where loans have to be made to people not based on safety and soundness but based on a social or political agenda of whoever runs the consumer agency that is independent and autonomous. It makes no sense. But, again, this is an issue that can be resolved.

There have been good ideas put forward by Senator SHELBY. At one time, we almost had an understanding between Senator SHELBY and Senator REID on this issue. So this is no reason, in my opinion, to stop the progress on getting a bipartisan, comprehensive bill. The only thing that stands between us getting a bipartisan, comprehensive bill, stopping that progress, is this political issue; the fact that the administration has two paths it can take. It can take the path where we reach a comprehensive, thoughtful, constructive bill that basically does what we need to do in the area of protecting the financial structure of this country from systemic risk and make sure we have the most competitive financial markets in the world and protect Main Street and make Main Street viable, allow people to get loans on Main Street, it can pursue a bill such as that or it can pursue a political bill, carrying the banner of populism forward on the theory that somehow they win points by doing that.

They may win short-term political points. I don't think they do, actually. But in the long term, the effect that will have on our capacity to produce credit in this country for Americans who need credit in order to do things such as buy houses, send their kids to colleges, or basically just start a business and create jobs, it will be dramatically chilling, to be kind.

We will see a lot of the institutions which compete in this Nation having to go overseas. We will see a lot of companies that need to use derivatives in order to make their products salable and make sure they are not hit with unexpected cost increases or events which are out of their control unable to buy those instruments or obtain those instruments in the United States, so they will have to go overseas. We will see credit markets where consumers will end up paying higher interest rates because they are basically paying for people who are not paying back their loans at a much higher rate, so the good performers end up paying for the bad performers, which inevitably ends up costing the good performers much more in the way of their credit.

These are the results of a populist tact, and they are not good results, in my opinion. They are not constructive. They are so unnecessary because we really have within our grasp the capacity to reach an agreement, pretty much across the board, on all the major issues that affect the question of financial stability and to try to address what happened in late 2008 in a constructive way.

I am hopeful that will be the course that is taken, that we do have a consensus approach rather than a confrontational approach, and that we do have an approach which understands that our first obligation is not to get votes, not to win a political fight, not to have a jingoistic saying that resonates at election time but, rather, to make America stronger, more economically sound, more vibrant, and a place where when one wants to create a job, one has the capacity to get the credit to do it. That should be our goal. I hope we will pursue this regulatory reform effort in that manner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MINING TRAGEDY IN WEST VIRGINIA

Mr. ROCKEFELLER. Mr. President, as the Presiding Officer would well understand from his own experience, West Virginia is mourning the loss of 29 brave miners who died last week—most of whom never knew what hit them—when a devastating explosion tore