

at the U.S. Chamber of Commerce, said:

These rules are extremely strict. Almost no plan is going to be able to maintain grandfathered status.

So what has happened? The President said: If you like your plan, you get to keep it. We will grandfather it in.

Now the rules and regulations are being written in such a way that virtually none of the plans will be grandfathered so that the employers all have an incentive to send their employees to the new health exchange and therefore to drop the coverage they currently have and like.

This frankly validates concerns that we voiced throughout the debate, that despite the President's claims, his health care bill will force Americans to accept unwanted health care coverage changes and that, in fact, therefore it amounts to a government takeover of health care.

I mentioned American seniors. This is the second area in which they will not get to keep their plans even though they like them. The White House recently sent out a promotional mailer to seniors, saying:

Your guaranteed Medicare benefits won't change—whether you get them through original Medicare or a Medicare Advantage plan. Instead, you will see new benefits and cost savings.

Wrong. Seniors are normally skeptical about such a claim, given the President's bill is funded by  $\$ \frac{1}{2}$  trillion in Medicare cuts. Republicans brought this up repeatedly during the health care debate. Democrats assured seniors not to worry, that if they liked their plan they could keep it. They were promised the law would strengthen Medicare. Yet now we are seeing and hearing from the experts that millions of seniors too will lose their Medicare Advantage benefits.

In fact, the White House's claims to the contrary are flatly contradicted by the administration's own expert, Richard Foster. He is the CMS Actuary, and he says:

The new provisions [in the health care law] will generally reduce [Medicare Advantage] rebates to plans and thereby result in less generous benefits packages.

That is the administration's own actuary telling us that seniors who have Medicare Advantage will not get to keep what they have. Here is how a Wall Street Journal op-ed summed up the expert's conclusions:

In an April memo, Richard Foster estimated that the \$206 billion hole in Advantage will reduce benefits, cause insurers to withdraw from the program, and reduce overall enrollment by half. Doug Elmendorf and his team at the Congressional Budget Office came to the same conclusion, as did every other honest expert.

In conclusion, we have a number of experts, not partisans, on the record saying that seniors who use Medicare Advantage will see their benefits eliminated and their coverage changed.

The administration is trying to soften the blow by sending some seniors a

\$250 rebate check. I am sure people are happy to get the check. But it is not much of a gain for those seniors who face skyrocketing premiums and may not have access to the same Medicare Advantage plans they now enjoy.

These developments are consistent with a pattern. It is a pattern ever since the bill was passed and signed into law by the President of broken promises. Americans never liked or wanted this bill, and they are continually reminded why they opposed it in the first place. The fact is, it turns out they will not get to keep what they have even if they like it. That is just one of the reasons why a strong majority of Americans want to see it repealed.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak for 30 minutes in morning business.

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

#### DEFICITS AND DEBT

Mr. DORGAN. Mr. President, I listened to the leaders today. I was thinking about Will Rogers, who once said: You could call me a hick or call me a rube, but the fact is, I would sooner be the person who buys the Brooklyn Bridge than the person who sells it. I was thinking of the fiction in that clever Will Rogers quote and some of the fiction I hear on the floor of the Senate.

Everybody here understands—if not, they better understand quickly—the dilemma of the unbelievable growth of deficits or debt for this country. It is unsustainable. There is no question about that. But it is interesting to me that just recently we have had the minority side of the aisle decide this is their life's calling despite the fact that this President, the day he was inaugurated and walked across the door into the White House, had this President done nothing but sleep for the next year, he inherited a Federal deficit of \$1.3 trillion. This stuff about he said, we said, she said, they said, the American people aren't very interested in all that. What they are interested in is what caused this problem and who is going to step up and fix it.

Let's talk about what caused this problem. What ran this country into the ditch and what has caused this unbelievable runup in debt? No. 1, early on in 2001, I and others stood on the floor when President Bush—yes, President Bush; and I am not here just to tarnish his Presidency, I am here to talk about his record—said: We now have 10 years of expected budget surpluses. Let's do something with that money. President Bush had inherited a record budget surplus from the Clinton Administration. The new President took over and said: We have to have very big tax cuts to get rid of these surpluses.

I stood on this floor and said: These surpluses don't exist yet. Let's be a little conservative.

He said: "Katy, bar the door," we are going to give this money away.

Very big tax cuts, the largest benefits went to the highest income earners in the country. Then what did we experience? Very quickly, a recession, an attack against our country on 9/11, wars in Iraq and Afghanistan. Then we sent soldiers off to war and didn't pay for one penny of it. Everybody in this Chamber knows better than that. You don't fight a war by asking people to go risk their lives but we won't risk anything by asking the American people to pay for the cost of the war. We will just put it on the debt.

As all this was going on, we had a bunch of new regulators who came to town from the new administration who said: It is a new day. We are going to have business-friendly regulation in this town. We won't look. We won't watch. We don't care what you do.

As a result, we had an unbelievable outpouring of greed that ran this country into the ditch by some of the biggest financial enterprises in the country.

I am not sure either side is much of a bargain for the American people these days. I understand that. But I don't think we ought to rewrite history. This President inherited the biggest mess since Franklin Delano Roosevelt came to the Presidency. That is a fact. Now we have to try to work together to figure out what we do about it. How do we deal with this? How do we respond to the burgeoning Federal budget deficits?

By the way, some say: Let's make our stand by shutting down unemployment insurance for folks at the bottom, the folks who don't have a job, those people who have been told: Your job doesn't exist anymore; you are done; you are out of here. And we have about 20 million fewer jobs than we need in this country. In the last 9 years, we lost more than 5 million jobs of people who work in the factories.

Will Rogers also once said: I see where Congress passed a bill to help bankers' mistakes. You can always count on us helping those who have lost part of their fortune, but the whole history records nary a case where the loan was for the person who had absolutely nothing.

And so it is in this Congress—hundreds of billions here and there in tax cuts and bailouts. But now it is about helping people with unemployment. That is where we make our stand, according to some. It is pretty unbelievable. We need to start working together to find common solutions. Describing where the other side is wrong is hardly a productive enterprise. It is pretty easy to do, in fact.

That is not why I came to talk, but it does get tiresome trying to rewrite history here on the floor of the Senate. I am not suggesting one Presidency is good or bad. I am saying this President

inherited a \$1.3 trillion deficit. That is a fact. That doesn't come from me; that comes from the Congressional Budget Office. I understand, at least in part, why that happened. Some of us on the floor of the Senate did not support giving away tax revenues we didn't have. Some of us didn't support going to war without paying for it. I had that discussion. How about paying for some of this? The previous President said: You try to pay for it, I will veto the bill. Is it surprising, then, that we are deep in debt? Not particularly surprising to me. Those are not very thoughtful decisions.

#### FINANCIAL REFORM

Mr. DORGAN. Mr. President, 16 years ago I wrote a cover article for the Washington Monthly magazine. The title was "Very Risky Business," the subtitle, "If we don't watch out, a new kind of Wall Street gambling—exotic derivatives trading—could shake the market and put taxpayers on the line for another bailout." I talked about \$35 trillion in derivatives. That is now a fraction of what is out there. I talked about banks that were trading on derivatives on their own proprietary accounts. I said they might just as well have a roulette wheel or a craps table in their lobby. It is just flatout gambling, and it ought to be stopped.

It is not surprising to me because I made the same point 5 years after that, when they tried to repeal Glass-Steagall—and did successfully—in order for us to compete with the Europeans. That took apart the protections that existed after the Great Depression. It was decided that we don't need those protections anymore. They took it apart. I was one of eight Senators to vote no. I warned on the floor then that another taxpayer bailout would come within a decade. It did, regrettably.

Now the question is, as we put together a piece of legislation to address these issues, what do we do that doesn't have us just having a press conference to say: Look at what we did. What is it we have to do to make sure this doesn't happen again? Have we really tightened the regulations?

Let me go through a couple things. Will we have dealt with too big to fail? The answer is no, not really. Too big to fail means there are some businesses in this country in the financial services industry, some of the biggest financial institutions, that are determined "too big to fail," and their failure would cause grievous harm to the economy, perhaps bring the entire economy down. Therefore, if they are too big to fail, they are, by definition, going to be bailed out.

I happen to believe that if you are too big to fail, you are simply too big. You ought to be pared back, trimmed down until you are not too big to fail. That is not what is happening here. We are going to pass a piece of legislation in which the biggest financial institutions are bigger than they were before

we got into this mess. Too big to fail doesn't mean you are too big. In fact, you can get bigger with the kind of legislation that is being considered in conference.

Proprietary trading. Will they still allow banks to trade on their own proprietary accounts? Will they put a restriction, finally, on banks' ability to make speculative bets using their own capital in their own lobby? We will see. It doesn't look like it.

What about the issue of naked credit default swaps, CDSs? They have no insurable interest on any side of them, just flatout betting. No, this isn't going on in Atlantic City or Las Vegas; it is going on across the country with financial institutions. Will this be trimmed down? It doesn't look like it.

How about the ratings agencies, the agencies that gave AAA ratings to fundamentally worthless securities, had a bunch of people left with bad securities in the bowels of financial balance sheets? What about that? There was an amendment on the floor of the Senate to deal with that. That has now been watered down. Or capital standards.

I won't go on except to say that I hope the sum total of this conference between the House and Senate on financial reform is about working for the American people and not the interests that helped create this mess. I hope this is a time to suck it up and do the right thing. I hope the conferees understand that if this bill is excessively weakened—and it wasn't strong leaving here—they should not assume they will have the votes to automatically pass that kind of legislation back in the Senate and perhaps the House.

This is very important. This is not some other issue. This is about whether the economy will continue to provide strength and expand and promote hiring. It will be what our children and grandchildren experience in terms of opportunities for the future in our great country.

It is a conference that is pushed by all sides to do various things for various interests. I hope they understand that this is something that will revisit us again in 2 years, 5 years, 10 years from now unless we do the right thing and make certain we address the key issues.

#### ENERGY POLICY

Mr. DORGAN. Mr. President, I wish to talk about energy legislation. I have been reading today all the stories in the newspapers about the caucus we had last week in which we described energy legislation and climate change legislation and what we should or should not do.

There are two challenges for this country at this point: No. 1, we are far too dependent on foreign oil. Over 60 percent of the oil we receive comes from outside of our country; 70 percent of the oil we use goes into the transportation sector. We are far too dependent on foreign oil. If something

should happen to shut off the supply of foreign oil to our country, our economy will be flat on its back for a long while. We need to be less dependent on foreign oil. No. 2, there is something happening to our climate. We are not completely sure what that is, but I don't think there is any question that there is a wide scientific consensus that something is happening to the global climate.

We should work on both, no question about that. But there is a practical limitation of what we will be able to consider and do between now and the end of this year. I have said previously that I support a cap on carbon. I support pricing carbon. I have said I will not support what is called classic cap and trade, which would serve the interests of Wall Street by creating a \$1 trillion carbon securities market so they can trade carbon securities on Monday and Tuesday and tell us what the cost of our energy is going to be on Thursday and Friday. I have no interest in doing that, nor would I support it. But there are ways for us to price carbon and to restrict carbon. I understand that.

The question has lingered now about a piece of legislation that came out of the Energy Committee 1 year ago this month. We had 12 weeks of markup. It was a very difficult markup. We passed, at the conclusion of the markup, a bipartisan piece of energy legislation that advances our country's energy interests and will make us less dependent on foreign oil. It will substantially reduce carbon emissions because it will dramatically change the amount of production that comes from renewable energy, wind, solar, biomass, and so on.

For a year we have now waited for that legislation to come to the floor. It has not come to the floor because some say: If we can't do comprehensive climate change legislation, then we don't want to do any legislation. Even that which would reduce carbon, even that which would substantially increase production from sources of energy where the wind blows and the Sun shines so we can collect this energy and put it on a grid.

It does not make any sense, that we would not consider a bipartisan energy bill and end this year having failed to address something that, A, was bipartisan, and B, will in fact reduce carbon and will give us an opportunity to be less dependent on foreign oil. That makes no sense, not to be able to take advantage of that kind of success.

It seems to me there are not 60 votes in the Senate to bring up a comprehensive climate change bill in June or July of this year. I know some people will have heartburn when I say that. I just think that is the case. If that is the case, let's not block a bipartisan energy bill that does address production, efficiency, and a lower carbon future.

We need to produce more in this country. We need to save more, that is, conserve more. Even as we do that, we