those eight States would want to vote for their States' self-interest. Those States are Indiana, Iowa, Maine, Michigan, Pennsylvania, Mississippi, North Carolina, and, of course, my State of Louisiana.

Again, I particularly appeal through the Chair to the Senators from those eight States—Indiana, Iowa, Maine, Michigan, Pennsylvania, Mississippi, North Carolina, and Louisiana. Obviously, for the very interests of your State, please support getting a vote on the Vitter amendment. Please support the Vitter amendment. Your State's representation in the U.S. House hangs in the balance. Of course, that means please do not vote for cloture on the CJS bill until we can have such a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ENERGY AND WATER DEVELOPMENT

Mr. COBURN. Mr. President, we are about 10 minutes away from a vote on the energy and water conference report. I wanted to put forward one very cogent reason for voting against this bill.

This bill hides from the American people information to which they are entitled. There was clearly accepted by unanimous consent an amendment that said the reports in that bill will be made available to all Senators and all the citizens of this country—and rightly so—unless it had a national security implication for not exposing that information.

The best government is the one that is the most open. The best government is the one in which people have trust. By bringing this bill to the floor out of conference and dropping the transparency amendment, the transparency section where one can actually see what is going on in Washington, where one can actually see where their money is being spent, where one can actually see the information that a select group of Senators see but other Senators do not, as well as the American people—if, in fact, one can see that, that breeds accountability in Washington.

If my colleagues, in fact, vote for this conference report, what they are saying is they want to keep the American people in the dark; they do not want them to see what we are doing; they do not want them to see how we are doing it; they do not want them to see why we are doing it. They want the elite position of making a judgment without being held accountable.

I urge my colleagues to vote against this conference report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3183, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 3183, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that at 2:15 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on adoption of the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act; further, that no points of order be in order.

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

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement to provide over $33 billion for a variety of energy and water infrastructure projects and programs. Michigan is surrounded by the Great Lakes, and the funding provided in this conference report to the Army Corps to maintain the navigational infrastructure and to clean up and protect the Great Lakes is especially important. Michigan also will benefit from the investments in clean energy technologies and energy efficiency programs provided in this bill that will help create a more sustainable economy while producing quality jobs.

The conference report includes important funding for a wide range of energy research and technology development at the Department of Energy, including advanced vehicle technologies, hydrogen and fuel cell technologies, wind and solar energy technologies, and biomass and biorefinery systems. This conference report also includes funding for critical areas of science including high energy and nuclear physics, biological and environmental research, and advanced scientific computing research. Research and technology development in these groundbreaking areas of energy and science will continue our nation's advancement toward greater use of technologies that will reduce our dependence on oil, reduce our carbon footprint and greenhouse gas emissions, and increase our reliance on our home-grown renewable resources. Federal Government support of research and development in these technology areas will also help ensure that our companies remain competitive in the global marketplace and ensure that the U.S. remains on the competitive edge of technology development and scientific discovery.

I am particularly pleased that the conference report includes $12 million in funding for research and development, conceptual design and engineering for the Facility for Rare Isotope Beams, FRIB, to be built at Michigan State University. Inclusion of this funding in the conference report is critical to moving forward with this facility. Under the Department's current plans, engineering work would continue in fiscal year 2011, with initial design work beginning in fiscal year 2011 and continuing into fiscal year 2012. Construction of the facility would begin in fiscal year 2013. MSU has solid and well-known expertise in the field of rare isotopes and nuclear physics, with the largest nuclear physics faculty in the nation and a nuclear physics graduate program ranked number two in the U.S., second only to MIT. MSU is currently the home of the National Superconducting Cyclotron Laboratory, NSCL, which is the most advanced rare isotope accelerator in the U.S. and is the largest nuclear science facility on a university campus. FRIB is the next generation rare isotope facility and the Department of Energy's decision in December 2008 to select MSU for FRIB is an indication of the university's preeminence in this field.

I am also pleased that the conference report includes funding for several important energy projects in Michigan that will advance the development of technologies including advanced batteries and energy storage systems, plug-in hybrid vehicles, solar and photovoltaic systems, wind energy, biomass, and energy efficiency. Michigan companies and universities are well-positioned to contribute to the development of these advanced technologies, offering both significant expertise in these technology areas and a highly trained workforce to carry out the manufacture and production of these technologies.

About 180 million tons of goods are transported to and from Great Lakes harbors and ports each year, providing fuel to heat and cool homes and businesses, limestone and cement to build roads and buildings, iron ore to produce steel, and grain to feed our Nation and for export overseas. Throughout the Great Lakes, there are significant dredging and other operation and maintenance needs so that freighters can safely deliver these vital commodities. There is a significant backlog in the work required to maintain the Great Lakes navigational system. The Army Corps estimates there is a backlog of 17 million cubic yards of material that needs to be dredged in the Great Lakes, which is estimated to cost to about $200 million, to restore

the full functionality of the navigational system. The conference report includes an additional $6 million above the administration's budget to address this dredging backlog at Michigan harbors and waterways, and attend to other operations and maintenance needs, including repair and renovation of breakwaters, improvements to locks, and disposal of dredged materials.

An important element of the Great Lakes navigational system is the Soo Locks, which connects Lake Superior with Lakes Huron and Michigan. Every year, over 80 million tons of commodities pass through the Soo Locks, the bulk of which move through the Poe Lock, the larger of the two operational Soo locks. To ensure shipping is not impeded at the Soo Locks, it is important that another Poe-sized lock be built. Construction on the new lock began this past July, and it is important that this project be completed so that vital industrial and agricultural shipments are not impeded. The conference report includes about $1 million for this project, which is barely a dent in what is needed for this project; the Army Corps estimated that it could use about $100 million in fiscal year 2010 for this $500 million project. I will continue to urge the Administration to include funding for this important project in their budget, and I am glad the conference report also makes this strong recommendation. The conference report states that ''the conferees are deeply concerned that despite congressional support for the project, the support of the states in the region, and the fact that the Army Corps of Engineers recognizes the Soo Locks as the 'single point of failure' that can cripple Great Lakes shipping, the administration has failed to include funding for a second large lock, either under the authority provided in the American Recovery and Reinvestment Act, ARRA, or in its budget request for fiscal year 2010.'' I hope this lack of funding will be rectified in next year's budget.

This bill includes important funding for several Great Lakes programs including the Great Lakes Fishery and Ecosystem Restoration Program, Remedial Action Planning Technical Assistance, and the Sediment Transport Models and Sediment Management Planning program. These programs will help restore and protect the Great Lakes.

I am also pleased that the bill includes over $6 million for the Corps' work to prevent the introduction of Asian carp and other invasive species into the Great Lakes. Invasive species can dramatically change the fishery and ecosystem by outcompeting native species for food and habitat. Asian carp are particularly devastating because they consume so much food and reproduce quickly. This funding will allow the Corps to operate the barrier project and begin work on a study to consider options to improve the barrier projects' efficacy. The conference report also provides authority for the Corps to take measures to prevent Asian carp from bypassing the electric dispersal barrier. This authority is needed because just recently, the Corps discovered that the Asian carp had moved upstream in the Des Plaines River, and if the Des Plaines River floods, which it does regularly, the floodwaters could carry Asian carp into the Chicago Sanitary and Ship Canal above the dispersal barrier. It is critical that the Corps do what it can to prevent the introduction of Asian carp into the Great Lakes.

The bill also provides funding for a variety of other water infrastructure and environmental restoration projects in Michigan. Funding is provided for two wastewater projects in Michigan—one in Genesee County and the other in the city of Negunee in Michigan's Upper Peninsula. Improving sewer systems is important not only for public health, but also to eliminate untreated discharge into surface waters. Two Michigan flood control projects will also benefit from passage of this bill. The aging Hamilton Dam in the city of Flint will benefit from $240,000 that will enable the Army Corps to plan how to improve this dam that is in danger of failing. Flood control improvements at the Cass River in Spaulding Township are identified to receive priority funding from the Army Corps. Funding is also provided for three environmental restoration projects in Michigan. Funding of $90,000 will be used by the Army Corps to continue its partnership with the city of Lansing in the Grand River waterfront restoration project, which includes a range of projects, such as shoreline and ecosystem restoration, as well as recreational elements. I am pleased that $100,000 is included to implement the Lake St. Clair Management Plan. Lake St. Clair and the St. Clair River that are part of the connecting channel in the Great Lakes and have been plagued by invasive species, pollution, urban sprawl, and sewer overflows. The funding in the bill will allow the Corps to move forward to finally implement on-the-ground restoration projects which are very much needed.

This appropriations bill will help move our country towards greater energy security, advance technology to strengthen our manufacturing and international competitiveness, improve our shipping and boating infrastructure, and improve the environment, and I support its passage.

Mr. DORGAN. Mr. President, we will vote in about 4 minutes. I want to note that yesterday's cloture vote had 79 votes in favor of cloture. Clearly, there is strong support for this energy and water conference report. It provides an investment in water and energy projects across the country. It is fiscally responsible. It is slightly less than 1 percent above last year's expenditure.

What I wanted to say, however, is we that had to invoke cloture, which took us two days. Even though we had a cloture vote yesterday clearly demonstrating very substantial support for the bill, we have now sat at parade rest for almost 30 hours because someone insisted on 30 hours postcloture despite the fact that we will have a strong vote for this conference report.

The reason for the insistence on 30 hours occurred was because the conference report did not include one amendment that was accepted in the Senate offered by one of my colleagues. I supported that amendment by the way. We were not able to get that through the conference with the House. It urged greater transparency on reports from the Energy Department. I regret that is not in the conference report, but the House would not accept it. Because of that, we have now been sitting around for the better part of a week, 30 hours postcloture.

My point is that we have to get appropriations bills moving. Apparently, it does not mean anything to some people. If their amendment did not get in the conference report, they don't mind holding up the Senate for a part of a week. That doesn't mean much to some people.

I just wish we would have a little more cooperation. The very same people who said we ought to get our work done by passing appropriations bill and avoiding omnibus bills are the same ones who hold up the Senate. If we could get a little bit of cooperation, we could get these appropriations bills completed.

This is a good bill. It makes very significant and important investments all around the country in water infrastructure and energy projects. The fact is, it is less than 1 percent above last year's spending level. No one is going to take a look at this bill and suggest it overspends. It does not.

One of my colleagues talked about earmarks in the bill. The fact is, we can take out all the earmarks, and there are some in here. It is the case that Congress has a role to decide both through the water development authorizing bill and also in the appropriations conference report before us where it wants to invest its money in major water projects across the country. If the Congress decided not to do that, every single penny would go downtown to the agency, and some GS–14 would decide where to do that. All this talk about earmarks is not going to save a penny. The fact is, we have substantially cut back on earmarks and have made them transparent.

My point mainly is that we are going to vote in a minute. We could have voted on this already, but we had to file cloture, then wait 30 hours. It is reflective of what is happening in this Chamber. Regrettably, there is very little cooperation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3183.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

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

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—80

Akaka	Feingold	Nelson (NE)
Alexander	Feinstein	Nelson (FL)
Barrasso	Franken	Pryor
Baucus	Gillibrand	Reed
Begich	Gregg	Reid
Bennet	Hagan	Risch
Bennett	Harkin	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burris	Kohl	Snowe
Byrd	Kyl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	LeMieux	Tester
Carper	Leahy	Thune
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Vitter
Corker	Lugar	Voinovich
Cornyn	McConnell	Warner
Crapo	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wicker
Durbin	Murkowski	Wyden
Enzi	Murray	

NAYS—17

Bayh	Ensign	Isakson
Bunning	Graham	Johanns
Burr	Grassley	McCain
Chambliss	Hatch	McCaskill
Coburn	Hutchison	Sessions
DeMint	Inhofe	

NOT VOTING—3

Cochran	Kerry	Landrieu

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the vote on the conference report to accompany Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183. If I were able to attend today's session, I would have voted yes on the conference report.●

Mr. HATCH. Mr. President, today the Senate voted 80 to 17 in favor of the Energy and Water appropriations bill, H.R. 3182. I praise Chairman BYRON L. DORGAN and Senator ROBERT F. BENNETT, the Republican ranking member, and the other members of the Energy and Water subcommittee for putting together what I consider to be a good bill and certainly a big improvement over the energy budget sent to us by the President.

Knowing that the funding measure would pass, I chose to vote against this bill, which funds the Department of Energy, as a signal to the Obama administration and the DOE that American taxpayers want and need a serious pro-energy plan, not the anti-energy strategy being pushed on us by the United Nations Intergovernmental Panel on Climate Change, which this administration has adopted.

When the Secretary of Energy testifies before Congress that he believes it is his job to cut carbon-dioxide emissions by 80 percent in the next 40 years, then we know our Nation does not have an energy policy; rather, we have an *anti*-energy policy. Cutting our Nation's emissions by 80 percent would provide two certain outcomes: First, reducing CO_2 at that reckless pace would certainly devastate our economy and ruin our Nation's global competitiveness. Secondly, according to the U.N.'s own calculations for CO_2's warming ability, it would result in no perceptible reduction in global temperatures. At best, it would reduce temperatures by about 0.1 degrees Centigrade after 40 years of economic torture.

Maybe the media have fallen for this dangerous distraction to a real energy policy, but the polls show that the taxpayers have not.

MORNING BUSINESS

Mr. BURRIS. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BURRIS. Mr. President, I would like to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, earlier this week I came to the Senate floor to discuss some of the misinformation we have seen about the issue of health care reform. Just this morning, I joined my freshmen colleagues to knock down some of the persistent myths about reform and particularly about the need for a public option.

As we prepare to consider a health bill before the full Senate, I would like to discuss the way forward from here. I believe our path is very clear. The only way to achieve meaningful health care reform and bring costs down is through a public option that will bring real competition into the system. That is why I will not vote for any health care bill that does not include the public option.

Insurance companies should have to compete for your business just like any other company. This principle has always been at the heart of America's economy, and it does not make sense for insurance companies to get a free pass. As competition shrinks, profits soar. A public option is the only way to restore choice to the marketplace. It is the key to freedom, accountability, and fair play. That is why I will not compromise on this point.

On Tuesday, our colleagues in the Finance Committee reached a new milestone on the long road to reform. They became the last of five committees in both the House and the Senate to take up this legislation. When they passed their version of the bill, it was the furthest any health reform measure has ever come. Now let us make it a reality.

I congratulate my distinguished colleagues on their significant achievement. I applaud their leadership on this difficult issue. But it was disappointing this legislation did not include a public option. As we move forward and merge the Finance Committee bill with the HELP Committee's version, I will work with my friends to make sure the combined measure does include a public option. In a very short time, every Member will have the opportunity to shape this important legislation. When this bill comes before the Chamber, we will have the chance to make good on the promise Teddy Roosevelt made almost 100 years ago when he first called for sweeping health care reform.

This pivotal debate is nearly at an end. The time for action is upon us. That means it is time to separate fact from fiction. It is time to discuss the facts and drown out the noise. The public option will restore choice and competition to an insurance market currently dominated by only a few companies. The public option will spur fresh accountability and a return to fair practices. Premiums will come down. Relative health outcomes will go up. For the first time in years, insurance corporations will need to compete for business. They will need to be accountable to customers and not only to shareholders. That is what reform with a public option will mean to the American health care system.

When opponents of reform talk about death panels, a government takeover, and socialism, they are trying to distract us from the issue at hand. When they claim the Finance Committee bill will make premiums go up instead of down, it is the same sleight of hand we have seen from the big corporations many times before.

They know they cannot win the argument on the merits so they are trying to change the subject. Instead of talking about American families and rising costs, real health outcomes, they need to rely on scare tactics to maintain their monopoly over the insurance