

Boxer	Kerry	Reid
Brown (OH)	Kohl	Rockefeller
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Coons	Manchin	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Webb
Gillibrand	Murray	Whitehouse
Hagan	Nelson (FL)	Wyden
Harkin	Pryor	
Inouye	Reed	

#### NAYS—51

Alexander	Graham	McCaskill
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoehn	Nelson (NE)
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (SD)	Rubio
Cochran	Johnson (WI)	Sessions
Collins	Kirk	Shelby
Corker	Klobuchar	Snowe
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCaïn	Wicker

The PRESIDING OFFICER (Mr. CASEY). On this vote, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. If we could have the attention of the Senate.

The PRESIDING OFFICER. The Senator will come to order.

#### ORDER OF PROCEDURE

Mr. REID. Senator SCHUMER and Senator ALEXANDER are that far from an agreement that we can move forward on the next bill. So with everyone's patience, I ask unanimous consent that the cloture vote scheduled to occur immediately—right now—be postponed until Wednesday; that is tomorrow, June 22, at a time to be determined by the majority leader, in consultation with the Republican leader, and that if cloture is invoked tomorrow, time postcloture be counted as if cloture was invoked at 6 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 6 p.m. this evening, with Senators permitted to speak for up to 10 minutes each during this time.

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

The Senator from Vermont is recognized.

#### NUCLEAR POWER

Mr. SANDERS. Mr. President, I wish to say a word about a critical issue for the State of Vermont and for my

State's energy future, and that deals with the Vermont Yankee nuclear powerplant. The Vermont Yankee nuclear powerplant is one of 23 plants in our country with the same design—General Electric Mark One—as the Fukushima plants that have experienced partial or perhaps full meltdowns in Japan.

All of us feel terribly about what has happened in Japan, and our hearts go out to that struggling country. But at the same time, in our Nation, we also have some very disturbing developments regarding nuclear power, and I wish to touch this afternoon on two of them.

The first is, we have a situation in the State of Vermont in which a powerful \$14 billion energy company called Entergy is trying to force the people of my State to keep an aging and troubled nuclear reactor open for another 20 years. This is a plant that is 40 years old. They want to keep it open for another 20 years. The Vermont Yankee plant's original 40-year license expires in March of 2012, and I firmly believe 40 years is enough. But that is not just my opinion.

Vermont, uniquely, thanks in part to an agreement between the State and Entergy when it purchased Vermont Yankee in 2002, has asserted its authority through our State legislature to decide whether Vermont Yankee should operate beyond March of 2012. The Vermont State Senate, representing the wishes of the people of our State, voted on a bipartisan basis, 26 to 4—not to grant an extension of the license of that plant. The law is clear that States have the right to reject nuclear power for economic reasons, and that is exactly what the Vermont State Senate did in an overwhelming bipartisan vote.

We know Vermont Yankee has had serious problems in the last several years, including a collapse of its cooling towers in 2007 and radioactive tritium leaks in 2005 and 2010. The tritium leaks came from pipes plant officials claimed under oath did not exist.

In support of the Vermont legislature's decision, the Vermont congressional delegation has been clear that Entergy should respect Vermont's laws. In other words, what we are saying—the delegation here—is that Entergy should respect the laws of the State of Vermont and what our State senate has done. However, just last week, we learned that Entergy's well-paid corporate lobbyists and lawyers have been meeting in secret with Federal agencies, including the Nuclear Regulatory Commission staff, pushing the Federal Government to intervene in the lawsuit Entergy filed against Vermont. Entergy wants the Federal Government to take up its extreme argument that Vermont's right to decide its own energy future is preempted by Federal nuclear safety laws.

It so happens that NRC Chairman Greg Jazcko, who is, in my view, a fair-minded public servant, does not agree with Entergy. He told me last week at

a Senate hearing that "I see nothing that would tell me that there's a preemption issue here." He said in a conversation with reporters that Vermont had a "role to play in determining Vermont Yankee's future" and that he "doubted the NRC would do anything to interfere with the state's process." I believe the Chairman's position is correct. The NRC regulates safety—safety—although some Vermonters believe they do not do that very well. Nevertheless, it is not the arbiter of political or legal disputes between a powerful energy company and the State of Vermont. That is not the business of the NRC.

So I was very surprised to learn last week that against the Chairman's public recommendation, the NRC voted in secret, by a 3-to-2 margin, to tell the Department of Justice to intervene on Entergy's behalf. When I questioned the NRC's Commissioners at a hearing last week, they refused to tell us how they voted. Several of them admitted they had not even read the major 1983 Supreme Court opinion on this issue—a case between PG&E v. California, where the Supreme Court said—and I quote an important point regarding States rights and nuclear energy. This is the quote from the Supreme Court:

The promotion of nuclear power is not to be accomplished "at all costs." The elaborate licensing and safety provisions and the continued preservation of state regulation in traditional areas belie that. Moreover, Congress has allowed the states to determine—as a matter of economics—whether a nuclear plant vis-a-vis a fossil fuel plant should be built. The decision of California to exercise that authority does not, in itself, constitute a basis for preemption. . . . the legal reality remains that Congress has left sufficient authority in the states to allow the development of nuclear power to be slowed or even stopped for economic reasons.

That is the decision of the Supreme Court of the United States, 1983.

I reminded the NRC at that hearing, and do so again today, that this lawsuit is none of their business, and their getting involved damages the credibility of the Nuclear Regulatory Commission. The NRC opted to relicense Vermont Yankee based on safety, and that is where their concern and authority begins and ends. The main point is this: The NRC does not represent the people of Vermont and has no right to tell us what kind of energy future we will have. The people of Vermont believe—and I agree—that our future lies significantly with energy efficiency and sustainable energy. Today, I renew my call on the floor of the Senate for the Federal Government to stay out of this case. Entergy is a \$14 billion corporation. They have all kinds of lobbyists and they make all kinds of campaign contributions. They don't need the help of the Federal Government.

Mrs. BOXER. Will the Senator yield?

Mr. SANDERS. Yes.

Mrs. BOXER. I am very pleased the Senator took to the floor to speak to the American people about what they are going through in his State. I am

not as familiar with the condition of the nuclear powerplant, so I will not go there. I trust my friend's judgment. There are some serious issues raised—a different design of the plant—and the fact that it is close or identical to the design of the plant in Japan that had all the issues. Here is the point. I support the Senator. I was proud of the way he questioned the issues.

I will pose a question to the Senator. Isn't it true that there is a lot of talk around Washington about how States rights should be protected?

Mr. SANDERS. I tell my good friend from California, day after day, we hear from some of our colleagues how they don't trust the Federal Government and they don't want the Federal Government getting involved in the issues impacting their constituents. So the answer to the Senator's question is yes.

Mrs. BOXER. Building on that, isn't it true that the NRC—as we have learned by reading their founding documents—is an independent commission; isn't that a fact?

Mr. SANDERS. Yes, that is true.

Mrs. BOXER. I say to my friend, given those two points, plus the ones my friend made, it seems untenable that the NRC, which is supposed to be an independent agency, would assert itself into a matter between the State of Vermont and a private company. I just say, as chairman of the Environment and Public Works Committee, how strongly I support what the Senator is trying to do, which is to allow his State to, frankly, have a say over something as important as the economics surrounding energy. My friend knows we work hard in this day and age to make sure America can leap forward and save energy and lead the world and invent alternatives.

In light of what happened in Japan, this becomes more and more important. I hope my friend will take heart and know that this chairman of the committee stands with him on this battle.

Mr. SANDERS. I thank Senator BOXER for her thoughts and the extraordinary leadership she is providing on the Environment Committee.

I think everyone understands that the function of the NRC is very simple. It is to make sure the 104 nuclear powerplants in this country run as safely as possible. That is their job. Their job is not to tell the State of Vermont or the State of California or the State of Pennsylvania what future they might want to pursue in terms of energy. They are not supposed to be a proponent of the nuclear industry. That is not their job. Their job is to make sure our nuclear plants are being run safely. So in terms of economics, the people of Vermont or any other State in this country have the right to determine what the future of nuclear powerplants is in their State. What our State is saying is, after 40 years, we want to shut down Vermont Yankee. We want to move in a new direction that we

think benefits our State. We do not want the Department of Justice to intervene in this case, where Entergy is suing Vermont.

Let me conclude, while we are on the issue of nuclear power, and point out that the Associated Press recently revealed that 48 out of 65 nuclear power sites in this country have leaked radioactive tritium, and Vermont Yankee is one of those sites. Thirty-seven facilities had leaks at levels that violated Federal drinking water standards, and some leaks have migrated off the sites, contaminating private wells, although none is yet known to have contaminated public drinking water supplies.

These allegations by the Associated Press are extremely disturbing. Safety at our nuclear plants should be the most important priority at the NRC, particularly after what we saw happen in Japan. The function of the NRC is not to represent the nuclear power industry; it is to represent the needs of the people of the United States.

That is why I will be working as a member of the Environment Committee, which has oversight over the NRC, with our chairperson, Senator BARBARA BOXER, and others on the committee who are interested in this issue, to call for a GAO investigation of the allegations made by the Associated Press. We need to determine whether it is true that the NRC is systematically working with the industry to undermine safety standards for aging plants in order to keep them operating.

Let me conclude by mentioning that around the world there is growing concern about the dangers of nuclear power, and I think that concern has been heightened by the terrible tragedy in Japan. It is important to note that Germany has decided to close all 17 nuclear plants in the next decade and not to build any new ones. They are getting out of the nuclear business. Switzerland is also phasing out nuclear power. In Italy, just a few weeks ago, 94 percent of the people voted in an election against restarting the nuclear power industry.

Here in the United States, some States are moving in the same direction. In addition to Vermont, New York, led by Governor Cuomo, wants the Indian Point plant shut down. Massachusetts is supporting Vermont in its lawsuit to preserve States rights to decide their own energy future, and I believe other States will support us as well.

The bottom line—and the law supports this—is that if States such as Vermont want to move away from aging and troubled nuclear reactors and to a sustainable energy future, we have the right to do that. I will fight tooth and nail to protect that right.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

## ECONOMIC DEVELOPMENT REVITALIZATION ACT

Mr. BROWN of Ohio. Mr. President, Senate Republicans, in their typically unanimous way, just blocked this Chamber from even voting on the Economic Development Revitalization Act of 2011.

We heard Senator BOXER point out how many Republicans have supported the Economic Development Administration many times in what they did for economic development in their States. We know in Vermont, Pennsylvania, and Ohio, how EDA works with small Federal investments, leveraging that money in the private sector through incubators, in many cases, or accelerators or whatever the communities call them, and they do, in fact, create jobs. Unfortunately, every Republican in this Chamber decided that wasn't such a good thing—perhaps to deny a political victory to President Obama. What it did was take away another tool to get this economy back on course.

So many people in this body seem to think it is all about reducing the debt. It is about reducing the debt, but it needs to be largely about creating jobs. There doesn't seem to be that much interest in that on the other side of the aisle.

Just last week, I spoke with economic development directors and county commissioners from the city of Moraine, a suburb of Dayton where a GM plant closed, and Ashtabula County, my wife's home county in the northeast corner of the State. They explained the importance of EDA funding and how it supports economic growth in their communities.

EDA has traditionally been a non-controversial and bipartisan job-creation bill. It helps broker deals between the public and private sectors, which is critical to economic growth and recovery. It is particularly important to economically distressed communities and in these types of economic times.

Every \$1 of EDA grant funding leverages \$7 worth of private investment. For every \$10,000—and this is one study, proven by evidence and fact—of EDA investment in business incubators, which helps entrepreneurs start companies, between 50 and 70 jobs are created. When we put money into the Youngstown incubator or a bit of Federal money into LaunchHouse in Shaker Heights—an incubator just launched, if you will—it creates jobs. It helps entrepreneurs and startup companies create jobs in our communities. Some of these businesses will fail. A few of them will wildly succeed. Many will hang on for several years, hiring 5, 10, 20 or maybe hundreds of people.

In Ohio, since 2006, more than 40 EDA grants worth \$36 million have leveraged a total of more than \$87 million once private resources were matched.

Colleges and universities from Bowling Green in the northwest to Ohio University in the southeast, to Miami