

open by November 7. In many instances, they were in pretty dilapidated facilities, without air conditioning, or temporary buildings. But every one of them opened by November 7, partially because Congress made a commitment to help them with the costs of what they had lost, to deal with the gap between what their insurance provided and what they were going to need to recover.

I am here to thank the Congress for helping us.

Have we had continued problems? Yes. Have we been disappointed in FEMA and the Department of Homeland Security and the Corps of Engineers? Yes, even though a lot of good people have done good work.

I have to admit that at the State level and the local level, we have had problems sometimes in making decisions dealing with elevation requirements, dealing with national flood insurance, and actually even distributing the money.

When you are trying to distribute \$3 billion to 17,000 people, you do not throw it out the window. You have to have a process to make sure these people actually lost their homes, or had damaged homes, and that they are going to deal fairly with their mortgage holders, that they would have a way to get their homes back in place. That process is still underway. It has been a very difficult one.

So you can be critical of what happened after Katrina, but there are a few places where a lot of credit should be given and it has not been adequately done.

The Congress did the job after Hurricane Katrina. Every committee chairman and ranking member came to our aid. The Mississippians, the Louisianians, the Texans, the Alabamians told you what our problems were. We poured our hearts out, and the Senate did its job.

Senator COCHRAN, my colleague from Mississippi, deserves enormous credit for the very calm, cool, and determined way he handled that legislation.

I am here to say thank you. When you make this list of Senate accomplishments, you must add to this list the things we did after Hurricane Katrina. The system worked. Congress did its part. For that I will be eternally grateful.

By the way, we ate up the major part of 3 months trying to make sure we were doing it right, appropriately, to help the people who needed it and to make sure it was done in an honest way.

Sure, I complained we didn't do more. I complain about the way we do things. I don't like the totally partisan political seasons we get into. We all do it and I do it. But I think that while we are doing that, we ought to take a little credit for what we did do and what we did right.

I wanted to make that point this morning.

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

The ACTING PRESIDENT pro tempore. The minority controls 30 minutes.

THE 109TH CONGRESS

Mr. DORGAN. Mr. President, this is an interesting time as we end the 109th Congress, at least in that portion that will start with the recess apparently this weekend, according to the majority leader and the Speaker of the House, only to return and reconvene sometime in November to do a lot of work that was not done earlier this year. Most of the appropriations bills have not been passed, and perhaps one, maybe two, will be done this week, but the rest will be done after the election.

I know my colleague who just spoke—and others will come to the floor of the Senate and talk about how fruitful and how productive the 109th Congress has been. I wish I could say the same. I serve in this Congress. I am a Member of this Congress and I hope and wish we could end a year and say we did an unbelievably good job for the American people; that we addressed the things that needed to be addressed; that we strengthened this country; and that we helped people in many ways. I wish I could say that. But as Peggy Lee's song says, Is that all there is? Is that an appropriate response to the chart that we see trumpeting the 109th Congress accomplishments? Is that all there is? Yes, that is all there is.

Let me describe a few of the things we ought to be dealing with and especially describe the things we are not dealing with.

On health care and the issues related to health care, every business in this country and virtually every family in this country—and especially our Government—bears the cost of these dramatically increasing prices in health care. No one seems to be addressing it very much. We passed a prescription drug plan a while back for senior citizens on Medicare, and that actually had a little provision in it which prevents the negotiation of lower prices on prescription drugs. That is almost unbelievable to me. Health care costs are on the rise, led, incidentally, by prescription drug prices. This Congress seems to stand with the pharmaceutical industry. It wants to prevent the negotiation for lower prices.

I have stood on the floor of the Senate holding up two identical bottles of the same pill made by the same company, both FDA approved, one sent to Canada, one sent to the United States. The difference is the one sent to Canada is half the price of the one sent to the United States.

My colleague said there is a provision in Homeland Security—and indeed there is—dealing with prescription drug reimportation. It is much to do about nothing, I regret to tell you, because it will allow people to bring a 90-day supply as they cross over the Canadian border and come back. Very few Americans have the capability of driv-

ing to the Canadian border to access that lower cost FDA-approved drug. We are charged the highest prices in the world for FDA-approved prescription drugs. That is unfair to the American people.

The provision in Homeland Security is going to do very little. In fact, we have almost always allowed exactly what that provision says we should allow. We have always allowed a personal supply of 90 days to come across the border from Canada when American consumers buy that prescription drug. This is nothing new. It doesn't address the issue.

We have been blocked on the floor of this Senate for 2 years now with a bipartisan piece of legislation cosponsored by over 30—myself, Senators SNOWE, MCCAIN, KENNEDY, and many others—a big bipartisan bill. We have been blocked from getting a vote on the floor for this legislation which would allow the reimportation of lower cost, FDA-approved prescription drugs.

Why is that the case? Because on this subject the pharmaceutical industry has more influence here, regrettably, than the American people do.

We are not addressing the health care costs, and we are not addressing the issue of prescription drug costs—and we should.

Trade and jobs, think of that. Are we addressing trade issues? The only thing we are doing on trade issues is to pass more incompetent trade agreements. We just did the Oman Trade Agreement, a country that by sultan decree has said there will not be an organization of workers; it is illegal to form a labor union in the country of Oman by sultan decree. We do a trade agreement with a country that basically prohibits organized workers.

We have a \$68 billion a month trade deficit, \$800 billion a year. We are choking on red ink in international trade. Nearly 4 million jobs have been shipped from this country overseas in search of cheap labor, in search of 20-cent and 30-cent-an-hour workers working 7 days a week, 12 to 14 hours a day. Does anybody care much about that?

We not only have this running up and dramatic increase in the trade deficit, but we see the potential loss of another 40 million to 50 million American jobs, according to some leading economists. And even those that do not leave are tradeable or outsourceable jobs and competing with others in the world who are willing to work for much less, causing downward pressure on wages in this country.

Some say we see the world as it is, that it is a global economy, and there is nothing we can do about it. I see the world as it is and decide we ought to change it to what it should be—standing up for good jobs in this country, for American workers. Yet this Congress doesn't do that.

As to deficits and fiscal policy, the President made great fanfare in talking about the fact that the deficit is reduced. Interestingly enough, take a

look at what we are going to borrow in the next year—close to \$600 billion in the next fiscal year. That is the off-the-rail fiscal policy of red ink, up to \$600 billion in budget borrowing, and \$800 billion in trade deficits. That is \$1.4 trillion in red ink on a \$13 trillion economy. That won't last very long.

We are going to bring additional war spending to the floor of the Senate. We are all going to vote for additional war spending. Some of us believe we ought to pay for it. This will make it, I think, somewhere around \$400 billion in total—none of it paid for, not a penny paid for, all added to the debt.

We send our soldiers to Afghanistan and Iraq and say, Please serve your country, fight for your country, risk your lives, and when you come back, by the way, we will have this debt waiting for you because we have chosen not to be involved in fighting to pay our bills.

That doesn't make any sense to me. That can't seriously be called an accomplishment.

We have been holding some hearings on oversight with respect to contractors. It is controversial. I see in the newspaper today a member of the majority said, well, we may take the rooms away so they cannot hold hearings. That is an interesting response to the question of oversight. The reason we have held oversight hearings in the policy committee room is because the majority party decided not to hold serious oversight hearings.

The highest ranking civilian official in the Corps of Engineers at the Pentagon in charge of major contracts, the sole-source, no-bid contracts to Halliburton and KBR that were given, has said this is the most blatant abuse of contracting authority she has witnessed in all of her career. This is a woman who is viewed as a top contracting official in this country in the Pentagon for these contracts. She said it is the most blatant abuse she has ever seen. Guess what happened to her for being honest. She was demoted.

I had her twice testify. Was there any other committee in Congress interested in her testimony to find out how the tens of billions of dollars were contracted? Nobody.

Yesterday we had an oversight hearing on the conduct of the war. We had a couple of generals and a colonel, all three of whom were distinguished folks who served in Iraq, served a combined 90 years for this country. General Batiste started by saying, I am a Republican, a lifelong Republican. It was not partisan. We invited Republicans to come to the hearing to talk about the conduct of the war. There have been no oversight hearings on that.

All of us want the same thing, it seems to me. We want us to prevail and do well. We want to protect our country. We want to defeat terrorism. All of us want those things. But it seems to me we are moving in the wrong direction in some of these areas. Incidentally, much of the information that

ought to be available is classified in order not to embarrass anybody.

Let me mention that General Batiste and others who testified yesterday said this country is not mobilized. We send our men and women to war, but the country is not mobilized. They made a point I thought was very interesting. I read a book that was written a long while ago, a brilliant book called "The Glory and The Dream," written by Manchester. He described in the Second World War what this country did to mobilize. This country mobilized to beat back the oppressive armies of Hitler, the Germans and the Japanese. We mobilized. Manchester, in "The Glory and The Dream," described what happened with American manufacturing capacity and what they did. At the end of the war we were building 50,000 airplanes a year to fight that war.

Colonel Hammes yesterday testified there is a new armored vehicle to carry personnel that is much safer than the humvee. Are we producing those? Are we mobilizing to produce those to provide them to our troops? No. We built 50,000 airplanes a year at the end of the Second World War. This war has now lasted longer than the Second World War. Yet we have built a total of 1,000 of these stronger, better armored security vehicles in which to haul American troops. Why? Because we are not mobilized.

The majority says to the American people, not only don't you have to pay for this war, we want you to have a big tax cut—not to everyone, just a few, at the top. We want to repeal the death tax. At a time when we are at war and we are borrowing money to prosecute that war—\$400 billion—not a penny of which has been paid for, the majority says our highest priority is to repeal the so-called death tax, which does not exist? No, there is no tax on death. That may come as news to some in this Chamber because they have used the moniker often. There is no tax on death. When someone dies, their spouse, if they are married, owns everything taxfree. There is a 100-percent spousal exemption. So there is no tax on death.

There is, in fact, a tax on inherited wealth and the majority party is intent on relieving the tax burden of the wealthiest Americans at a time when we are at war. We are at war, we are spending hundreds of billions of dollars and we are not paying for any of it. It is, in my judgment, a Byzantine set of priorities.

No, when people say they have a chart that shows the accomplishments of the 109th Congress, they might listen to what Harry Truman said to Steven Douglas in one of their debates. He described the Douglas argument:

As thin as the homeopathic soup made by boiling a shadow of a pigeon that had been starved to death.

Bring those charts out with the accomplishments of the 109th Congress. Those accomplishments are as thin as the homeopathic soup made by boiling

the shadow of a pigeon that has been starved to death.

I wish it weren't so. I wish we could stand here and describe a set of accomplishments that makes all of us proud, but the priorities here can hardly be called accomplishments for the American people. The American people deserve, finally, to be getting what both political parties have to offer. Instead of getting the best of both, we are getting the worst of each.

This Congress needs to come together to address these issues. We do not control the Congress. The majority party does. It is the way it works. The majority party describes what the issues are that will be brought to the floor of the Senate.

Go almost any place around the world, the President says and others say, we will go and help. But they forget at home when people are in difficulty. Somehow we do not seem to find ways to say, let us help our citizens at home—health care costs, prescription drug prices.

I have not mentioned energy. Energy obviously is a very important issue. In the year 2004, the average price of oil was \$40 a barrel. At that price, the largest integrated oil companies had the highest profits in their entire history. Now the price of oil has gone from that level to \$70, \$75 a barrel. Now it is down to \$60 and just under, and everyone thinks, Isn't that wonderful? The fact is, it is still 50 percent higher than it was at which point the major integrated companies had the highest profits in history. As the money is shoveled into their company, it is taken from the consumers, from the farmer who loads the fuel, the people paying at the gas pump.

We need to deal with energy prices. It will not last for this country to be a country that consumes a quarter of the oil every single day. We have this little planet of ours and we stick straws in this Earth; from those straws we suck out the oil. We suck out 84 million barrels a day from this Earth, and 21 million barrels a day is used in this spot of the planet called the United States of America.

We use it predominantly for transportation, among other things. We have done nothing to change the basis of fuel use in transportation in nearly 100 years. We put gasoline in a 2006 Ford the same way we put gasoline in a 1924 Model T. I know that because I restored an old Model T when I was a kid. Nothing has changed. Everything else has changed. There is more computing power on a new car than there was on the lunar lander that landed Neil Armstrong and Buzz Aldrin on the Moon. Everything has changed about automobiles, except we have never changed how we fuel or power that car; just drive to the pump, stick a hose in and pump some gasoline.

We need to move aggressively toward a different future—renewables, wind energy, biofuels, especially hydrogen and fuel cells. There are so many opportunities, yet so little time, and

seemingly so little appetite on the part of this Senate and others to do something meaningful for the long term.

I wish I were part of a Congress I could say has been an enormously productive Congress for the country. We are not. We need to get busy and find a way to solve this. This President, this Congress, chart the agenda. They describe what is going to come to the Senate floor. We need to begin zeroing in on things that are important.

First, we need to win this war in Iraq in a way that satisfies our objectives. We need to fight the war on terrorism in a manner that allows us to prevail. Incidentally, this issue of cutting and running, we are going to leave Iraq at some point. That is not the issue. This country is going to leave Iraq. Our military is going to be withdrawn. The question is, When? When and under what conditions? It is appropriate to say at some point to the Iraqi people, this is your country, not ours. This country belongs to you, not to us. Saddam Hussein was found in a rat hole. He is on trial. He is not part of the government. Iraqis have their own government. And the question for those in Iraq is, do you want your country back? If so, you have to provide for your security. We are attempting to train and provide security at this point, but we are not going to provide security forever in the country of Iraq. We cannot do that. We must expect the Iraqi people to decide to take back their country, at which point we will be able to bring the American troops home. That, I hope, is sooner rather than later.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOMELAND SECURITY AND HEALTH CARE

Mr. BINGAMAN. Mr. President, I want to speak on three issues this morning. First, I will talk about two amendments I have filed to the Secure Fence Act which is the legislation the Senate is debating once we get through morning business. I will talk about the merits of those amendments and the reasons I believe Senators should support those amendments, that we should be allowed an opportunity to offer those amendments. There is some question as to whether we will be allowed that opportunity. After that, I will say

a few words about health care and health care issues in this 109th Congress.

First, as to the Secure Fence Act, H.R. 6061, I represent, as all of my colleagues know, a border State. I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem, and we do need to do a much better job in addressing this problem. The Senate has passed a comprehensive immigration bill. It is not a perfect bill by any means, but it is aimed at improving security along our borders and at also reforming our immigration laws. I believe that the bill passed through the Senate was a step in the right direction. I was disappointed that the leadership of the House of Representatives refused to appoint conferees to meet with Senate conferees and instead decided to hold hearings around the country to concentrate on differences of opinion and to stir up discontent rather than to seek some common solutions to our substantial immigration problems. The Senate has passed a bipartisan bill. The House passed what I would characterize as a different bill. We should have convened a conference committee. We should have tried to work out differences between those bills. The failure to at least have made a good faith effort in that regard I think is very unfortunate.

Mr. President, with regard to the specifics of this Secure Fence Act—and the Secure Fence Act is a piece of the House-passed immigration bill from about a year ago—I do believe there are locations along our border where fencing makes sense and additional fencing is required. However, we need to be smart about our security. Walls may make good sound bites in political ads, but the reality is that individuals charged with securing our borders have consistently stated that walls and fences are only part of the solution and that there are better and more cost-effective ways to provide for greater border security.

Ralph Basham, who is the Commissioner of Customs and Border Protection, stated earlier this year in response to a question about the proposal to build 700 miles of double-layered fencing:

It doesn't make sense, it's not practical.

He went on to say that what we need is an appropriate mix of technology and infrastructure and additional personnel.

Let me take a moment to also read some remarks delivered by Secretary Chertoff, the Secretary of Homeland Security. These were delivered on March 20 of this year in a speech he gave at the Heritage Foundation. In describing the Secure Border Initiative, also known as SBInet, Secretary Chertoff stated:

We are going to build ourselves what I call a virtual fence, not a fence of barbed wire and bricks and mortar, which I will tell you

simply doesn't work, because people can go over that kind of fence but rather a smart fence, a fence that makes use of physical tools but also tools about information sharing and information management that let us identify people coming across the border and let us plan the interception and apprehension in a way that serves our purposes and maximizes our resources thereby giving our border patrol the best leverage they can have in order to make sure that they are apprehending the most people.

This week, the Department of Homeland Security selected Boeing as its contractor for this Secure Border Initiative. Under Boeing's proposal, it will build a network of approximately 1,800 towers along the southern border. It is unclear how mandating 700 miles of fencing as is proposed in this pending bill will fit into the proposal which Boeing has made and which has been selected by the Department of Homeland Security and whether the two together make sense. Unfortunately, the bill as currently drafted does not provide the Department of Homeland Security with the discretion that Department needs in order to determine the most appropriate means to secure the border. It also ties their hands with regard to the use and the placement of fencing. I do not think we should be mandating over 700 miles of fencing at specific locations. I do not think this Senate and those of us here in the Congress have enough detailed knowledge of the various areas along the border to be making the decision as to the specific areas where fencing needs to be built.

It is also clear that the cost per mile is something we do not have a good handle on at this time in our debate. According to the Department of Homeland Security, it costs approximately \$4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which would add up to about \$6.6 billion for the 730 miles of fencing required under this bill.

In discussions with local law enforcement, local, State, and Federal law enforcement along the border in the southern part of New Mexico, we have meetings with what we call the Southwest New Mexico Border Security Task Force, and at some of those meetings I have attended the point has been raised by local security officials that the location of the proposed double-layer fencing in this bill is, in their view, at least, at the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers rather than fencing because it was the judgment of the Border Patrol that vehicle barriers were more appropriate in those areas.

If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that the Department of Homeland Security can make necessary adjustments in the interest of securing our borders. To this end, I