

I personally commend commission chairman Sam Owens and the entire North Georgia Water Planning District for everything they are doing. But in the absence of rain, there is nothing we can do.

Why does this affect the Endangered Species Act? Very simply because a court case was filed a few years ago under the Endangered Species Act asking for the management of the Chattahoochee River basin to be controlled so as to protect sturgeon. The judge in that case finally ruled as much and developed the judge's own interim operating plan for the Chattahoochee River. That plan means the Corps of Engineers makes releases to keep the flow in the Chattahoochee River where the sturgeon exist at a level sufficient to sustain the sturgeon. The problem is the level is insufficient to sustain human life in North Georgia if it continues.

This morning, just a few minutes ago, on behalf of myself and Senator CHAMBLISS, I introduced an amendment to the Endangered Species Act to deal with this law of unintended consequences. It very simply says the following: The head of the Army Corps of Engineers or the Governor of a State, within which a region lies where there is a drought that threatens the health, safety, and welfare of the people in that region, may suspend the course and effect of the Endangered Species Act until that endangerment has passed.

It is a simple request. We are at a place in time in our country and in a region, my home region, the State I represent, where the health, safety, and welfare of my people are threatened. They are threatened by an act this Congress passed that had no intention to threaten them. If we have the power to do that, we also have the power to make the exception to see to it that their drinking water is safe and their livelihood is safe and at hand.

This is a critical, critical emergency. It is time sensitive. I urge each Member of the Senate to follow this simple amendment and this simple proposal and think about what they might do if it was their State, if it was their people. It is time we gave the Army Corps the latitude and the Governors of the States the authority to protect our people.

I stood in this Chamber 3 years ago and raised my right hand and agreed to defend the Constitution of the United States and protect the domestic tranquility from enemies foreign and domestic. Today I stand recognizing there is a domestic enemy, and that enemy is the Endangered Species Act which controls the Chattahoochee River and limits access to drinking water and safe water for the people of north Georgia. I urge Members of the Senate to join myself and Senator CHAMBLISS in this critical and important amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in support of this legislation. Georgia is in a critical time in the history of our State. Atlanta, GA, is a great place to live, a great place to work, a great place to visit, but we are in a crisis. The water supply system for metropolitan Atlanta depends on two basins, Lake Altoona and Lake Lanier. Lake Altoona and Lake Lanier are fed by nature, by rainfall that every year, thus far in the history of those basins, has filled those basins since they were built decades ago.

Unfortunately, during the month of August, we received very little moisture. But at the time we were receiving very little moisture, we had more 100-degree day temperatures than we have ever had in the history of Atlanta. A combination of natural forces has put us in this situation of crisis, but there is also an unnatural source that has helped produce this crisis, and the legislation that Senator ISAKSON has proposed, along with my cosponsorship, seeks to address this critical problem and seeks to help find a solution to this problem for the short term.

Georgia's lakes are low and continue to decline as the Army Corps of Engineers releases water to protect a handful of sturgeons and mussels in the Appalachian Bay in the State of Florida. Understandably, folks who have had mandatory water restrictions for months in our State, who are watching these lakes slowly decrease, are wondering where the common sense in Washington has gone. They are calling my office and asking: How can our Government care more about mussels and sturgeons than human beings? Obviously, that is not the case. But water continues to be released, and estimates are that Lake Lanier, Atlanta's main source of water, will be empty—and I repeat, will be empty—by January 2008 if the Corps does not stop releasing so much water or if we do not get rainfall. That is less than 3 months away.

It is clear that we are in a crisis. We need to do something to ensure we are not cutting off the drinking supply to 7 million people in the metropolitan Atlanta area. This legislation does something very simple and practical to address this crisis in the short term. It says, if the Secretary of the Army, in consultation with the Governor of a State, determines that a drought is in effect in a region in which there is a Federal river basin that is managed by the Corps of Engineers, and the drought threatens the health, safety, and welfare of the human population in that region, the Secretary of the Army can temporarily suspend provisions of the Endangered Species Act until such time as the drought is over and the health, safety, and welfare of humans is no longer at risk.

We have larger issues to address in the long term. Updating the water control manuals by which the Corps of Engineers operates the river basins in Georgia and getting the Governors of

our neighboring States together to apportion the water among the States for the long term are critical issues that have to be addressed.

As resources get scarce, these things become more difficult to accomplish. Unfortunately, the people of Georgia cannot wait. They need immediate relief, and swift passage of this legislation will certainly help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the majority has time now under morning business.

The ACTING PRESIDENT pro tempore. Thirty-five minutes.

Mr. DURBIN. I ask for 10 minutes of that time, and I ask to be notified when I have completed 4 minutes.

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

HEALTH INSURANCE

Mr. DURBIN. Mr. President, I wish to discuss two issues this morning that I believe are important not only to Members of the Senate but everybody across America.

You cannot go home and visit your home State and talk to real families and real businessmen and real workers without coming back feeling that the No. 1 issue on their minds, after the war in Iraq, is health care. Time and again people tell us stories from their own lives, troubling, challenging stories about trying to find the best health care and pay for it. They are concerned about the cost of health insurance. The cost of health insurance goes up every single year and covers less each year. That is the real family squeeze in America.

It isn't just from families we hear these stories. We will learn the same thing with businesses. Howard Schultz is a fellow I respect very much. He is a pretty prosperous man in America. A lot of us buy his products with frequency. Howard Schultz of Brooklyn, NY, now living in Seattle, is the owner of Starbucks. When he started a little company selling coffee, I don't know if he had any idea that someday he would have 14,000 stores across America. But he knew if he started a company, there was one thing he was going to do. He was going to guarantee everybody who worked in a Starbucks store had health insurance because he had a personal experience after his father lost health insurance after being laid off from a job, and he decided as a business leader that he would take care of that issue.

So if you pay an extra 50 cents to a buck for that double, double skim latte, you are subsidizing the health insurance of the person making the coffee for you. I think it is a pretty good deal. It is a deal I am willing to make regularly and do most mornings.

Howard Schultz said to me and Members of the Senate: I cannot keep up with the cost of health insurance. The

cost keeps going up. I can't raise the cost of a cup of coffee to keep up with this. You have to do something.

He told us this 2 years ago. I saw him recently. Same challenge, same issue—his business is trying to do the moral, conscientious thing to cover its employees, even part-time employees, and is having a tough time.

Large corporations, like General Motors, finally struck a deal with United Auto Workers, and the biggest problem, the biggest challenge in their negotiation is what to do with the health insurance of employees and retirees.

So when you hear this over and over again, you think to yourself: Well, what is Congress going to do? And the answer is: Virtually nothing. There is no leadership in Washington. And it has to start in the White House when it comes to health care reform, with one exception—an important exception.

Ten years ago, we said: With 40 million uninsured Americans—15 million being kids—it is time we provide health insurance for those uninsured children in America. It was a Republican Congress, but Democrats supported it. That bipartisan bill passed; it was signed by the President and went into effect.

In a span of 10 years, we moved from covering zero children to 6.6 million children, who were given help through their families to buy health insurance from private insurance companies. Mr. President, 6.6 million out of 15 million were covered—a bipartisan proposal that worked.

Now that law is about to expire. It is called the Children's Health Insurance Program. So we decided we needed to not only keep this program going, but we needed to expand it from 6.6 million kids to 10 million—or 10.5 million kids. Let's keep moving until every kid in America, every child has health insurance. Well, we put together another bipartisan proposal, brought together some very conservative Republican Senators, such as CHUCK GRASSLEY of Iowa, ORRIN HATCH of Utah, and many others, and said: Let's work out something in a cooperative way that extends this program responsibly. And we did it. We ended up with an increase in the Federal tobacco tax and the revenues dedicated to covering more children with health insurance. I like that because more expensive tobacco products means fewer kids will buy them. I like to keep tobacco out of the hands of kids until they become adults and can make a responsible decision about a product that can lead to addiction and disease and death. So I like the trade-off here from a public health viewpoint.

We passed that bill extending the Children's Health Insurance Program—over 10 million to be covered—with 69 votes in the Senate. That is pretty good here. We have these death-defying struggles and end up passing amendments by one or two votes, but we passed this by a big margin and then sent it over to the House, and they

passed it. It was then sent to the President of the United States, where he had his chance to extend children's health insurance, and he vetoed the bill. He said no. He said it is socialized medicine, too much government involved in it.

Well, I disagree with the President. First, this is insurance from private health insurance companies; it is not Government insurance. Secondly, this isn't socialism. What we are talking about is helping working families. The poorest families in America and their children are already taken care of. We have Medicaid in every State in the Union. The poorest kids have that. They have that Government health insurance protection. And the kids of families where mom and dad get benefits are already covered. It is the kids who fall in between, the kids of mothers and fathers who go to work every day and have no health insurance, those are the kids we are trying to help. So this isn't about poor people; this is about middle-income working families who don't have health insurance at work.

What if you had to go out tomorrow and buy a health insurance plan for your family. Assume your employer doesn't offer any benefits. What are you going to pay? Well, if you happen to have a pretty healthy family and you don't want a lot of coverage and you have a big deductible and a big copay, you may get by for \$600 a month. But if there is a complication there—a sick child, your wife has had some problems, you have had some problems—you know what happens to those premiums. Pretty soon, they are \$800 a month, \$1,000 a month, and people who are making regular, middle-class incomes in America cannot afford them. That is the reality. So when someone in the White House says we shouldn't be helping families making \$60,000 a year to pay these health insurance premiums, I think they are really out of touch with reality.

This morning, two of my colleagues, Senator CORNYN of Texas and Senator DEMINT of South Carolina, came to the floor to talk about health care. Good. We need more conversation. But we also need their support. They didn't support the passage of the Children's Health Insurance Program. I wish they had. We really need to make this a broader, bigger, bipartisan issue.

In just 2 days, the House of Representatives will try to override the President's veto. I don't know if they will make it. They need 15 Republican Congressmen to switch over to override the President's veto to extend the Children's Health Insurance Program. Maybe they can't do it. If they fail, it means, at the end of the day, this program will cover fewer children in America. Is that our goal? I think our goal should be the other way. We need to reach a point where everybody in America has the peace of mind of health insurance.

I am lucky. As a Member of the Senate and a Congressman, I get to enroll,

as other colleagues do, in the Federal Employees Health Benefits Program. This is a great deal. For 8 million Federal employees and their families, we get to choose open enrollment every year—in my case, for my wife and myself, from nine different private health insurance plans offered in my home State of Illinois. Nine choices. It is like shopping for a car, my friends: if I don't like last year's model, I am trading in for a new model. I can go to a new company. Now, this is something most Americans would dream of, to have that kind of opportunity. It is available to me as a Federal employee.

Shouldn't every American have that peace of mind? Shouldn't we all understand that if you go to work every day, and you love your family, that you ought to be able to provide them the protection of health insurance? For 47 million Americans, the answer is no, they do not have it. For 9 million kids out of that 47 million across America, they have no health insurance.

A child without health insurance is a child without a regular doctor, a child without regular checkups, a child who may not get the immunizations they need. That is what kids face when they do not have a medical home, or a health insurance policy. I need not tell you what happens when a medical disaster strikes a family like that. It becomes overwhelming. It can bankrupt a family that thinks it is in a pretty comfortable situation.

So I urge my colleagues in the Senate and in the House, on both sides of the aisle, to get together. There has to be some common ground here. I thought children's health insurance was a great place to start. I hope the House will override President Bush's veto. I think the President is out of touch with working families in America and the reality of the challenge they face with health insurance. So I hope that we can override his veto, that we can extend this program and cover many children today who don't have protection.

NOMINATION OF STEVEN BRADBURY

Mr. DURBIN. Mr. President, tomorrow the Senate Judiciary Committee will hold hearings on the nomination of Judge Michael Mukasey to be Attorney General. I look forward to those hearings and hope to ask some questions about his plans—if he, in fact, is confirmed as our next Attorney General—to repair some of the damage that has been done at the Justice Department. I am concerned that progress really isn't going to be possible without some significant changes there. In particular, I think we need new leadership at the Justice Department's Office of Legal Counsel.

Today, I am joined by Senators TED KENNEDY and RUSS FEINGOLD in sending a letter to President Bush calling on him to withdraw the nomination of