

religious freedom, the rule of law, democratic governance, and the preservation of individual rights. During my first official trip abroad as Senator, I traveled to Israel and saw firsthand the sacrifices Israeli people make to protect these principles. This visit helped me better understand the urgent need for sustainable peace in the Middle East and Israel's vulnerability within the region.

The United States shares Israel's desire to protect their thriving democracy, and we honor our commitment by supporting security efforts in Israel. Since 1948, Israel has been a reliable and steadfast ally to the United States, and our support helps to ensure the security of its territory and citizens. A strong and healthy relationship with Israel is critical to the endurance of democracy in the greater Middle East and the United States will continue to stand with Israel to ensure its survival, peace and prosperity.

I extend my greetings to all those taking part in celebrations to mark this historic week for Israel. In my home State of Florida, the home to thousands of individuals of Jewish descent, today is especially important. It marks the day a permanent home was established for a people who suffered tremendously for generations because of their ethnicity and religious beliefs.

So during this momentous time, I offer the people of Israel and its many friends around the world my best wishes and the hope for continued prosperity.

Mr. LEVIN. Mr. President, the 2000 year search for a Jewish homeland concluded on May 14, 1948, with the declaration of an independent State of Israel. But, the birth of Israel on that day was far from easy. Prime Minister David Ben-Gurion made his first radio broadcast the following day from an air raid shelter as the precarious new nation came under attack.

Even as a war was being launched against their young nation, Israel's founding father took the time to remind the first citizens of Israel what had been accomplished and what it would take to defend their dream. Ben-Gurion said, "whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of an unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith, and vision."

The United States has played a critical role in the development of Israel over the past 60 years. President Harry S. Truman, the first head of state to grant Israel diplomatic recognition, expressed its special place in the hearts of Americans as he declared, "I had faith in Israel before it was established, and I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our

civilization." This special partnership which began with Israel's creation has been repeatedly tested since 1948. The United States has been steadfast in our commitment to helping the people of Israel develop their own economy and secure their own peace. We have helped give them the time that their founding fathers knew was needed to secure their future.

A decade ago, in celebration of Israel's 50th anniversary, I traveled there for an international conference of Jewish legislators from around the world. In our discussions, I saw then that the philosophy that was embraced by Ben-Gurion and other visionary leaders helped Israel become a dynamic democracy with a thriving economy. In the decade since that conference, Israel has come within a few breaths of a peace agreement and also experienced episode after episode of violence carried out against its civilians. Still, Israel's faith and fortitude remain as strong today as they were when the dream was realized six decades ago.

In recognition of Israel's remarkable history, I was pleased to be a cosponsor of S. Res. 522, which the Senate unanimously passed late last month. The resolution acknowledges the 60th anniversary of the founding of the State of Israel and reaffirms the bonds of friendship and cooperation between the United States and Israel. This is a fitting tribute to Israel's past, and we all hope that our nations' mutual goodwill augurs well for future positive and peaceful developments in Israel, in the Middle East and around the world.

Mr. BOND. Mr. President, I rise today joining my colleagues in congratulating our friends in Israel as they celebrate the 60th anniversary of their independence and modern-day founding.

Sixty years ago, Missouri's own President Harry S. Truman signed the telegram making the United States the first Nation on the Earth to recognize officially the State of Israel. Since that time, Israel and the United States have stood side by side on many issues and have shared common bonds and values that unite us still today.

I daresay that no country has faced such adversity and strife during such a short period of time. Our staunchest ally in the region has persevered against enemy invasions, random terror attacks, and saber rattling throughout its short existence and has grown stronger as a result.

As a Member of this body, I have been proud to support joint U.S. and Israeli programs aimed at strengthening our mutual defense and cooperation. We are engaged in a war against a common enemy that seeks to further its agenda through suicide bombings, the targeting of innocents, and the destruction of the civilized world. The United States and Israel recognize that without freedom, respect for human rights, and liberty, we are lost.

Today, I congratulate and offer my sincere thanks to the people of Israel

for being our ally during trying times and a friend upon whom we can always count.

Mr. President, I yield the floor, and I 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. DODD. 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. DODD. Mr. President, may I inquire what is the business before the Senate?

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Pending:

Dodd/Shelby amendment No. 4707, in the nature of a substitute.

McConnell amendment No. 4720 (to the text of the bill proposed to be stricken by amendment No. 4707), of a perfecting nature.

Allard amendment No. 4721 (to amendment No. 4720), of a perfecting nature.

Landrieu/Nelson (FL) modified amendment No. 4706 (to amendment No. 4707), to improve the Office of the Flood Insurance Advocate.

Nelson (FL) amendment No. 4709 (to amendment No. 4707), to establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program.

DeMint amendment No. 4711 (to amendment No. 4707), to require the Director to conduct a study on the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 to include widely used and nationally recognized building codes as part of the flood plain management criteria developed under such section.

DeMint modified amendment No. 4710 (to amendment No. 4707), to end the premium subsidy for any property purchased after the date of enactment of this act.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to inform my colleagues we are open for business. I know there are amendments that Members have they would like to be considered. I am more than happy, with my colleague, the ranking member, Senator SHELBY, to try to consider those amendments and deal with them expeditiously.

Last evening, we entered a unanimous consent agreement which requires that all amendments be offered,

debated, and voted on by the close of business today. The close of business today can occur any time between now and midnight. I suspect most Members, knowing there may not be any votes tomorrow—I forget exactly what the leader said about that. I think there is a possibility of no votes tomorrow depending on the schedule and agenda. If that is the case, if we deal with these amendments between now and the early part of the afternoon, we can complete the business of this bill until next week when we will have votes on energy issues before final passage of the flood insurance bill.

Again, I am willing and anxious to consider the amendments. I know several people have amendments. They offered some of them last evening and debated them to some degree. So we are prepared to enter into a little more debate and get to some votes. My idea is, to satisfy the convenience of Members, to try to consider three or four of these amendments and then hold a period of 45 minutes or so to vote on three or four items at a time rather than bring Members over every half hour for a 15-minute vote. We will try to deal with several amendments and then have a period of voting before considering the second tranche of issues.

I know Senator SHELBY is in the vicinity. We are here to entertain these proposals.

Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. COBURN. What is the pending business of the Senate?

The PRESIDING OFFICER. Amendment No. 4710 to S. 2284.

AMENDMENT NO. 4716 TO AMENDMENT NO. 4707

Mr. COBURN. I ask unanimous consent that amendment be set aside and amendment 4716 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4716 to amendment No. 4707.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require persons located in flood prone areas to hold flood insurance as a condition for receiving federal disaster assistance)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DISASTER ASSISTANCE.**

No person shall be eligible to receive disaster assistance under the Robert T. Stafford

Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Small Business Act (15 U.S.C. 631 et seq.) relating to damage to a property located in a 100-year floodplain caused by flooding, unless prior to such flooding that person purchased and maintained flood insurance for that property under the national flood insurance program established under chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

Mr. COBURN. First of all, let me compliment the chairman and ranking member on this bill. They have made some tremendous strides in trying to fix this program. The one thing we have not done is we have not asked people in this country, who are in flood-prone areas, to actually be responsible. We are going to get about \$17 billion and charge it to our grandkids because we have to get rid of some debt because the insurance program had not done in the past what we intended it to do. I believe you have fairly well fixed that for the future—my hope is that you have. I am not convinced of that yet.

What this amendment does is requires FEMA and the Small Business Administration to withhold any Federal flood disaster payments and assistance to people who have not purchased flood insurance. These are people who reside in a 100-year flood plain zone, meaning that catastrophic flooding is expected to occur once every 100 years. These are known as special flood hazard areas.

Owners of properties in these flood-prone areas are already required by law to have flood insurance. Yet what we have seen is, time and time again, they do not have it. So, in effect, even though there is a requirement for flood insurance to be there, they do not have it, so the cost, in terms of disasters, goes up for the Federal Government.

The whole purpose behind this bill in the first place, when it was first initiated, was to lessen the cost of the American taxpayer in terms of disasters so owners of properties in these flood-prone areas are required by law to purchase flood insurance if they have a federally backed loan. This amendment would simply ensure that the law is enforced.

I know this is a hard amendment because what we think about is what about those bad actors, what about those who do not—what we are doing to them. But actually we ought to think in the positive, that if, in fact, you are supposed to have flood insurance and you do not, how do we ever force everybody to do that unless there is a consequence? The consequence ought to be, if you did not follow the rules of purchasing flood insurance when you lived in a 100-year flood plain zone, a high-risk area, then you are asking the rest of the taxpayers not only to rebuild your home but to also give you the benefit of not paying a premium on flood insurance. Those people in those areas are actually taking advantage of the rest of the American taxpayers if, in fact, they do not follow the law.

So this is simply saying: OK, here is the law. You have a federally backed mortgage. Your mortgagor is supposed to require that—as a matter of fact, it was fixed in 1994, I believe, that if you do not, they would. What we have seen in the last disasters is the owner did not, and the mortgage backer did not. Consequently, we had a large number of people who had no flood insurance.

Now, all this amendment says is, OK, we are putting you on notice right now, if you have a federally backed mortgage and you are in a flood plain zone and you do not have flood insurance, you do not get the disaster relief. You do not get the grant. You do not get what everybody who follows the rules gets.

The problem with not accepting this amendment is we will undermine the rest of the flood insurance program, the very good work that the chairman and ranking member did on this bill, because if there is no consequence to not following the law, not buying insurance, why will anybody buy the insurance? In other words, if we are still going to pony up the money, what is the incentive to get them to do that? I know the chairman and the ranking member are concerned about that.

Some statistics are real important. On the repetitive loss properties, what we know is that 1 percent of the properties in this country over the last 15 years account for about 34 percent of all of the expenditures. In other words, they have been damaged time and time again. And the chairman and the ranking member have done a good job in terms of addressing how we fix that in the outyears. But when one-third of the money goes for 1 percent of the homes, something is very wrong.

All this amendment is designed to do is to bring them forward so we lessen this amount. More than 50,000 of these repetitive loss properties have flood coverage right now but 61,000 do not; 61,000 of the repetitive loss properties have no flood insurance right now.

So how do we make them do it? Where is the teeth to make them do it, other than to know that next time, unless they have flood insurance, they are not going to get the benefit the rest of the American taxpayers get in terms of helping them out of a jam. Ultimately, what this does is it incentivizes us to have people take risks that would not otherwise take risks because they know we have their back. All this amendment says is, be an adult; participate in carrying some of the risk.

So when over 50 percent of the repetitive loss properties have no flood insurance, I would like to know how we are going to get them to get it under this bill if there is no teeth to make them do it.

Now, I have every intention, as I have spoken to the chairman and the ranking member, of withdrawing this amendment. But my hope would be that in conference you would address this incentive issue because I believe right now there is a large incentive not

to insure their property because we have their back and there is no hard penalty to do that.

If in fact I have a home and it is one of the repetitive loss properties and I do not buy flood insurance, we have a hurricane or a storm and it is damaged and I know I can still get it fixed, why am I going to buy the flood insurance? Especially, let's say, I do not have a loan on it. Let's say I am down there. I am in a very high risk area. I do not have any loan on it and, to me, I know if I get a flood, no problem; the Government is going to back me up.

So what we are doing is sending a signal to the people basically who have no mortgage: The rest of the American people are going to insure you for your flood. And I do not think that is right.

I will ask unanimous consent to withdraw the amendment. I think the amendment would markedly strengthen what this bill is trying to accomplish. My hope would be that in conference, if you do not like my language, you at least put something into the bill that will have some teeth that forces good behavior and forces those who own the properties to actually have some responsibility for the properties. I am not against us helping to create an insurance market. I am not sure this is the best way to do it. But we have certainly made big strides to improve the bill.

AMENDMENT NO. 4716 WITHDRAWN

I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 4716) was withdrawn.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to respond to the Senator from Oklahoma and commend him for his efforts in this area.

What Senator DODD and I and other Members, including the Presiding Officer at the moment, who is involved in banking issues and insurance, and so forth, know is that this flood insurance program is bankrupt, as does the Senator from Oklahoma. It is not working. And what we are trying to do is move it toward an actuarially sound basis.

The Senator's suggestion is something I think we ought to consider as we move along down the road because we want to make sure nobody beats the system. In other words, the more people who are involved in the flood insurance program, proper mapping is going to mean lower premiums to everybody. And the problem, in the long run, as we have catastrophes, tornados, hurricanes, earthquakes—well, in this case floods and water—that the insurance would take care of it rather than thinking, as the Senator from Oklahoma says: Well, I do not have to insure you; the Government, the taxpayer, the people will take care of me in the end.

I think that is what we are trying to prevent. I think the Senator from Oklahoma has a very good point.

I yield the floor.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, in response to Senator COBURN's earlier comments, I thank him for his courtesy in withdrawing the amendment. He is raising a very legitimate issue about how we get greater compliance, as Senator SHELBY pointed out, and achieve greater actuarial soundness in a program that is in desperate need of that.

The bill does something else. In fact, we voted on it last evening. I believe Senator LANDRIEU and Senator DORGAN offered an amendment that would have stripped out the mandatory requirements of people being required to pay premiums if they live in these high-risk areas. That amendment was defeated pretty soundly here. It is less than a dollar a day, about \$316, I think, to a maximum of \$350 a year under our bill for about 350,000 dollars' worth of coverage: \$250,000 for the property, \$100,000 for contents.

The House bill actually goes out a bit higher. Senator VITTER wanted to raise that number. Senator SHELBY and I opposed that amendment. I am not unsympathetic to Senator VITTER's suggestion in certain high-cost areas that \$250,000 ought to be a bit higher.

But the point Senator COBURN is making is that we want to get people here to contribute. We have 25 percent of the claims that are coming from these risky areas where only 1 percent of policies are actually being paid. So one out of every four dollars that is going out for coverage under the flood insurance program is in these areas, and yet less than 1 percent of the premiums are being paid out of those areas.

So, clearly, if you are going to be actuarially sound, you get that many claims out of that area, you have to get more compliance. How do you do that? Our bill does not go as far as Senator COBURN's does, but in our bill we require, as we do under a lot of similar areas, that the banks be required to collect these premiums, in fact, even hold them in escrow so we have a better assurance that we are going to get a lot more compliance with that approach.

But I am certainly sympathetic to the goals of ensuring that we get as much compliance as possible, and how you do that is a legitimate debate. I appreciate his raising the issue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank Senator DODD. I think when you fixed this in 1994 or 1997 is when you required the banks on the mortgage to have a

notice and pay it and then add to it. But it obviously was not enough teeth to get us up to where we need to be. So I think we need something stronger than that.

Overall—and this is no reflection on the good work that has been done on this bill but we have to ask ourselves—we are talking about \$30 billion with this bill. That is going to actually go against the Treasury. We are going to have \$17 billion that we are going to kiss off. We are going to say the people who are living in these flood-prone areas, because their insurance did not truly reflect—we did not have it spread broadly enough, \$17 billion of it we cannot pay back, so we are going to forgive that.

Well, what does forgiving that mean? What that means is we are going to take the money from the Treasury, we are not going to charge it to the National Flood Insurance Program, but someone is going to have to pay that off. And who is going to pay that off? It is going to be our kids. And there is almost \$9 billion in interest that is going to be not paid off, so we are going to charge that to our kids. Then there is another \$3 billion still, I understand, to come from the Katrina-Rita-related storms in terms of payments that are also going out.

So what we are going to have is \$30 billion, because the program was not actuarially sound in the past, that now we are saying to our kids and grandkids we are going to make actuarially sound, and they are going to pay.

So what we are doing with this bill—and, again, it is not an indictment. You made a lot of headway, but there has to be another way to fix this rather than charge it to our kids. So when you take this \$30 billion, on top of the 10 we have now and the \$74 trillion that is coming, we have a significant debt in terms of being fair to the next generation. This bill underlies and forgives all the debt to the Treasury, and it translates into roughly \$30.2 billion. That is how poorly the program worked in the past.

Again, I think we have made major improvements to the bill. But I believe it is important enough for us to vote on whether we want to send another \$30 billion toward our kids rather than make people who have homes in flood-prone areas who are getting the benefit from it pay for a portion of the cost.

Mr. President, I make a point of order that the substitute amendment violates section 201 of S. Con. Res 21 of the 110th Congress and ask for the yeas and nays associated with that, according to however the chairman would like to schedule votes.

I know he will make a motion to waive the point of order. That is expected. But I would like to have a vote on that, if I could.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. DODD. I ask unanimous consent that the vote on the motion to waive the Budget Act with respect to the Coburn budget point of order occur at 12 noon today, with 2 minutes of debate prior to the vote equally divided and controlled by myself and Senator COBURN or our designees.

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

Mr. COBURN. I would like to make one more point. Politics is politics, but in the realm of politics the long term is what is getting ready to happen in this country because we are on an unsustainable course. I believe we have to be guardians for the future. And I believe in waiving the pay-go rules we are not doing that; that we are not a guardian for the future.

If you think about \$30 billion, you are asking every person in this country this year to pay an extra \$100 because this program was not funded and arranged properly.

What we also ought to consider is making sure we never do this again. And I would hope that when and if this budget point of order is waived the chairman and ranking member will put something in the bill that prohibits us from going back and ever waiving debt for this program again.

He wants it actuarially sound, I know that. I know the ranking member wants it actuarially sound. But it is truly unfair, when we spend \$28,500 per household at the Federal Government level and the median income in this country is \$42,000 and we are already spending 70 percent of that at the Federal Government level and a third of it we are not paying for, we are borrowing from our children, to add on another \$30 billion. What we are talking about is opportunity. We don't want to be tough enough now to not take opportunity away from our kids. So the choice is, can we have what we want now and it not hurt our children. The fact is, we can't. We are hurting our kids when we borrow, when we forgive this money. What we should be charging this money to is to the people who have benefited from the coverage. That is who ought to be paying for it. That is who got the flood insurance at a falsely low rate. My hope is that we think long term, not short term. I know you have done that to a great extent in the bill. But my hope is that somehow when you are in conference, that you might put some type of prohibition of ever waiving the debt again, to force the program to always be actuarially sound. If we could do that, we would not ever get to this point again. I know the chairman doesn't want us to get to where we are waiving this debt again, which will force the flood insurance program to be on the same footing as every other insurance company.

I thank the chairman and ranking member for taking two of my amendments, one a study on reinsurance. The reinsurance we have right now is the American taxpayer. That is who is going to do the reinsurance this time of \$30 billion. I am appreciative that they considered this and accepted it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Senator. Let me underscore the point that, some 23 years ago, I was a new Member of this institution sitting in that last chair over in the corner, and I offered a pay-as-you-go budget. I think I got 24 votes in 1983 or 1984. I have strong feelings about whether we will be accountable and whether we pay for what we want to do. My colleague from Oklahoma certainly raises a point I have raised for as long as I have been here and tried legislatively to insist upon some accountability in how we do things. With this program, obviously the problem we are in is by attaching these additional costs onto the premium cost today, we make it prohibitive for a lot of people. So we were faced with a choice which was not one I would have preferred. But we have ourselves in a position in this country today where we are spending almost that amount of money every month on the conflict in Iraq, and we are not paying for it, something Harry Truman would not have tolerated. In the war in Korea, he said we would go to Korea provided the American taxpayer was willing to pay for it.

Every 8 weeks we are accumulating a debt and passing it on to my 3-year-old. The Senator knows I have young children. Every 8 weeks we are asking my daughter to assume the financial responsibility of this conflict. In addition to this program, we are trying to make a difference in people's lives, where they may lose their homes and their life's possessions. That is certainly one I would like to see us account for, but we are facing a situation today where I have to try and move this along. But I would hope that on a whole host of these issues, where we are talking about deficit financing or financing things without paying for them, that we would apply the same standards so we have this kind of uniformity to our concerns. And certainly, the \$2 billion every week, the \$12 billion every month, the \$24 to \$30 billion every 2 months is another example of what happens when we ask the American taxpayer in the future to assume a responsibility. It is a legitimate point the Senator raises. I identify with it. In my tenure, I have tried to do something about it. Hopefully, we have done that, Senator SHELBY and I.

I appreciate his kind comments about our effort in this bill to put this program on the kind of footing that never causes us to come back here again under similar circumstances and make a similar request for excusing a responsibility that FEMA had to bor-

row from the Federal Government to meet that \$17 billion worth of obligations after the storms of 2005, which devastated a good part of the country.

At the appropriate time, we will have a vote on the Senator's motion. In the meantime, we have some other amendments that I think are coming. I know Senator NELSON and Senator DEMINT and others have some amendments. I am happy to consider those as soon as they come over.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I want the record to show I voted against the last supplemental because it was not paid for. No. 2, it had \$27 billion of extraneous spending that was not paid for either that was offered by the Appropriations Committee. It has to start somewhere. I am OK with it starting with me. I don't earmark anything back to Oklahoma. I look at every appropriations bill and see if it is wise. So consequently, I vote for few appropriations bills because they are not wise, with the waste that is in the Federal Government.

One final point. According to GAO, IGs, and the Congressional Research Service, we have \$300 billion of waste a year in the Federal Government. The Congress didn't do anything about it. We have plenty of ways to pay for the war, pay for this, and do other things, if we do the hard work of oversight and make the hard choices about prioritizing what is important. But we find that very difficult to do as a body. I am worried that we find that because we are not thinking long term. We are thinking short term.

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. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DODD. Mr. President, I made this point about an hour ago. We all are familiar with what happens toward the end of the week here. I know Members are asking me what time we will be adjourning. That is a leadership decision, obviously. But we are required now, under the unanimous consent agreement of last evening, that all amendments will be considered by the close of business today. As I pointed out earlier, that close of business could occur at any point between now and midnight. But I suspect most Members are making plans to probably head back to their respective States for Mother's Day weekend sometime late this afternoon or early evening. If you have amendments on this bill, I urge you to come to the floor and offer them. Coming over at 3 o'clock, there is no guarantee that you are going to have the opportunity to make the case on behalf of the proposal, to the extent you would like.

I urge Members on both sides to come to the floor. I appreciate the fact that last evening several did make their case, and we are scheduling votes for early this afternoon on those matters. In the meantime, I would like to line up other votes on these matters so we could conclude work on this bill at a reasonable hour this afternoon that would allow Members to meet their travel obligations. In the absence of that, we may be here until very late this evening, which I know will throw a monkey wrench into people's plans. We are here. We have been here. We will be here. But we have been in a quorum call waiting for Members to come over with their ideas. Coming around 4 or 5 this afternoon and wondering whether we are going to leave 15 minutes later is not going to happen. I urge Members now to be here and make their case or let us know that you don't intend to offer the amendment, in which case we can clear the decks and get to the few votes we have remaining and move on. One way or the other, we are happy to accept.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4709 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw amendment No. 4709.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. NELSON of Florida. Thank you, Mr. President.

AMENDMENT NO. 4707

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the motion to waive.

Who seeks time?

Mr. DODD. Mr. President, I should begin.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me first of all say on this motion by our colleague from Oklahoma that Senator SHELBY and I, and I believe most of us here, don't have a philosophical disagreement. I think we all appreciate the fact that we have ourselves in a situation where we have massive deficits that are growing by the hour. We have seen it in a number of areas. This is one in which we are actually forgiving a debt. Obviously, to do so, it is going to require at some point for us to pay for this debt and obligation. Senator COBURN says we ought to be doing that under the pay-go rules. As someone who has over the years authored, in fact, legislation requiring pay-as-you-go proposals, I am very sympathetic to this idea. I would like to see us apply it more uniformly in many ways.

Senator SHELBY and I are doing our best to take this program, which is ab-

solutely critical, and to put it on a sound actuarial footing and, by doing so, move us forward. We can't do that if we don't have an excuse, if you will, on this debt that is out there today. We have raised the cost of premiums to a prohibitive level.

So I am moving to waive this point of order the Senator from Oklahoma is making, with the full understanding that it is a legitimate point he is making. But if we are going to succeed with this program and get it done, we can't do otherwise. We will be stuck with a program that will be far too costly.

With that, I urge my colleagues to support us on the motion to waive.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is a great choice. We can prove to the American people we either really care about the budget or not. This violates pay-go rules. We shouldn't send \$30 billion to our grandkids. We ought to take it from some of the excess we have today.

I agree Senator DODD and Senator SHELBY have done a good job on this, but I don't think our grandchildren ought to pay because we designed a program in 1977 and modified it in 1994 and it still doesn't work and then have them pay \$40 billion. We ought to enforce the pay-go rules, and we ought to come up with another way to pay for this money.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the point of order under section 201 of S. Con. Res. 21 against the Dodd substitute amendment.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The yeas and nays resulted—yeas 70, nays 26, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—70

Akaka	Collins	Leahy
Alexander	Corker	Levin
Allard	Cornyn	Lieberman
Baucus	Dodd	Lugar
Bayh	Dole	Martinez
Bennett	Durbin	McCaskill
Biden	Feinstein	Menendez
Bingaman	Hagel	Mikulski
Bond	Harkin	Murkowski
Boxer	Hatch	Murray
Brown	Hutchison	Nelson (FL)
Bunning	Inouye	Nelson (NE)
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Cardin	Kerry	Roberts
Carper	Klobuchar	Rockefeller
Casey	Kohl	Salazar
Cochran	Landrieu	Sanders
Coleman	Lautenberg	Schumer

Sessions	Stabenow	Whitehouse
Shelby	Stevens	Wicker
Smith	Tester	Wyden
Snowe	Vitter	
Specter	Webb	

NAYS—26

Barrasso	Domenici	Isakson
Brownback	Dorgan	Kyl
Burr	Ensign	Lincoln
Chambliss	Enzi	McConnell
Coburn	Feingold	Pryor
Conrad	Graham	Sununu
Craig	Grassley	Thune
Crapo	Gregg	Voinovich
DeMint	Inhofe	

NOT VOTING—4

Clinton	Obama
McCain	Warner

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 26. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 4734

Mr. ENSIGN. Mr. President, I send an amendment to the desk and ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4734 to amendment No. 4707.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide compensation to the citizens of Fernley, Nevada damaged by the failure of the Truckee Canal)

At the appropriate place, insert the following:

SEC. \_\_\_\_ FERNLEY FLOOD COMPENSATION.

(a) DEFINITIONS.—In this section:

(1) COVERED PERSON.—The term "covered person" means a United States citizen, an alien lawfully admitted for permanent residence, the City of Fernley, Lyon County, a person that is not an individual, or a school district.

(2) FERNLEY FLOOD.—The term "Fernley flood" means the breach of the Truckee Irrigation Canal on January 5, 2008, and subsequent flooding of the City of Fernley, Nevada.

(3) INJURED PARTY.—The term "injured party" means a covered person that suffered damages resulting from the Fernley flood.

(b) COMPENSATION AND SOURCE OF FUNDS.—

(1) COMPENSATION.—Each injured party shall be eligible to receive from the United States compensation for damages suffered as a result of the Fernley flood.

(2) SOURCE OF FUNDS.—The Director shall compensate each injured party for damages resulting from the Fernley flood from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(c) INSURANCE AND OTHER BENEFITS.—The Director shall reduce the amount to be paid

to an injured party relating to the Fernley flood by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature relating to the Fernley flood that were paid, or will be paid, to that injured party.

(d) ACCEPTANCE OF AWARD.—The acceptance by an injured party of any payment under this section shall (excluding claims relating to life insurance benefits)—

(1) be final and conclusive as to any claim of that injured party relating to damages suffered because of the Fernley flood; and

(2) constitute a complete and full release of all claims of that injured party relating to the Fernley flood against the United States, the State of Nevada, Lyon County, Nevada, the City of Fernley, Nevada, and the Truckee-Carson Irrigation District.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations to carry out this section.

Mr. ENSIGN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4715, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending amendment and I call up amendment No. 4715, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4715, as modified, to amendment 4707.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, line 11 after the first period, insert the following:

“(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

“(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

“(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

“(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

“(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term ‘area’ does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this title as of the date of enactment of this subsection.”.

Mr. DODD. Mr. President, we have a window here. I see Senator THUNE and he has the possibility of offering his amendment. I think Senator BOXER wants to express herself on that. She may be on her way over. If my colleague from South Dakota is prepared

to offer his amendment, or talk about it, that would be helpful. Anybody else who has amendments who would like to offer them—I see the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask the Senator from Connecticut, how many amendments are remaining on this bill, based on what he knows at this time?

Mr. DODD. I am glad the Senator clarified that. We have about five or six, based on what I know. There will be five or six votes at the most, as of now.

Mr. DORGAN. I am still trying to determine whether I can successfully offer an amendment. I know I have a right to offer it, but whether it is successful—

Mr. DODD. That is the Senator’s problem.

Mr. DORGAN. Mr. President, let me make a point again to the Senator from Connecticut and see if there is any mutual understanding on these issues.

To use one example, we had a city that was completely evacuated in my State by a flood 10 years ago—actually 11 years ago now. It was the largest evacuation of any city since the Civil War. A city of 50,000 was completely evacuated because of a flood. In the middle of that flood, there was a fire in downtown Grand Forks, ND. A city that was flooded and evacuated was on fire.

In the intervening 10 years, there has been a flood protection plan, a very expensive one, \$416 million, built to protect that city. The residents of that city, I believe, paid 45 percent of the cost of that flood protection plan.

As I read title VII—I believe it is on page 9 of the legislation—what is being said now is this city that has a 250-year flood plan, that is to protect against a 250-year flood, will be told: By the way, you residents, yes, you paid a lot of money for flood protection. It is blue ribbon, first rate, first class protection against a 250-year flood, but we have now decided you have to ante up \$1 a day to buy flood insurance.

They are going to ask the question: What is this flood protection we paid for? We were told this was blue-ribbon flood protection. I know you have a 250-year flood protection levee; now we want you to buy flood insurance.

Is there anything in the legislation that allows FEMA to look at this situation, here is a levee that gives 100-year protection, here is a levee that gives 250-year protection, and here is one that doesn’t give any at all? We have different kinds of insurance. Would FEMA be allowed to take a look at a new state-of-the-art, blue-ribbon, 250-year flood protection device and say those folks don’t need to buy flood insurance, they just paid a substantial portion of the cost of a significant new flood protection device?

I ask the Senator from Connecticut, what is his intention with respect to that provision of the law?

Mr. DODD. Mr. President, first, I thank my colleague from North Dakota. I am familiar with the community. As my colleague will recall, at his invitation, I gave the commencement address at the University of North Dakota a few years ago and arrived a day or so early. I had an opportunity to visit the mayor and actually see the city that went through that remarkable devastation of flood and fire, simultaneously, in fact, and the rather remarkable recovery and great spirit that exists in that community.

Here is what we are doing. There are those who believe if you have any kind of a dike, dam or levee, that you should not have to pay for flood insurance. We cannot tolerate that in a sense. We have 130 dams, levees, and dikes that are at great risk of one kind or another in these residual risk areas. About 25 percent all the claims against the flood insurance program come out of these residual risk areas, not the coastline. Clearly, having dikes, levees, and dams help.

The fact is, the reason there is a dike, levee or dam is because it is in a residual risk area. Anything made by man or nature, there is no guarantee in perpetuity it is going to survive, even the 250 years about which we talked. What better example than Louisiana. We spent millions of dollars on a system down there that didn’t work, ultimately. The idea of having someone pay a maximum of \$350,000 worth of insurance—actually, the average cost is \$316 a year. Less than a dollar a day for this kind of coverage is something we feel is dispersing that risk, bringing the cost in for the program.

Let me say to my colleague from North Dakota, he makes an interesting point. We are, in fact, in discussions with the other members of the committee on this very point, where you might be able to prorate, it seems to me, some of these costs based on the quality of that dam, dike or levee. I cannot subscribe to the notion of eliminating it altogether, but certainly when you have a state-of-the-art facility, then as a result of that, there is less of a risk. There still is risk. So you may bring down the cost of that risk.

We are negotiating about doing that as a way to recognize those kinds of contributions. So there would be some prorating.

Mr. DORGAN. I understand the notion of residual risk, and I think the Senator from Connecticut will agree those residual risks are different in different circumstances. I am not suggesting if you are behind a levee, wherever that levee is, you shouldn’t have to buy flood insurance. But I am suggesting if you exhausted yourself and your community and your region producing a state-of-the-art flood control plan and spent a lot of money doing so, including your own money, and you are now told you have a 250-year protection, that when somebody from FEMA comes in and says, it doesn’t matter a bit, it is irrelevant you built that, it

doesn't matter, you are going to be required to purchase what our friends from the committee have now enacted—if my colleague from Connecticut is saying this legislation either will or, as we might want to change it, could allow FEMA to take a look at that brand new 250-year flood protection plan and say, in this circumstance you have minimal requirements—

Mr. DODD. I think it is a very good idea and suggestion and one about which I have not had a chance to get into a long conversation with Senator SHELBY. I like the concept, the idea.

Remember this. The insurance program, putting aside whether you think the cost is high or low, without the insurance program, and if things don't work and you lose your home, there is no program of Federal disaster relief that rebuilds your home.

What the insurance program does for \$316 a year is it gives you a chance to rebuild your home and the contents you lose. There is no disaster relief program the Senator from North Dakota and I have been a part of that provides that kind of assistance to homeowners affected by natural disaster.

This insurance program has great value to these people who live in these areas. It is a cost but actually has a value. I think the numbers ought to be higher than \$350,000. I live in a higher cost area. So a \$250,000 home in my State is less than the median cost of a home. I would like to see those values go up again. I presume in North Dakota \$250,000 may be more a median cost of a home.

The idea that you are going to get for that \$316 a year \$350,000 back to rebuild that home of yours has value. I think prorating, based on the condition of dikes and levees, makes good sense. We will try to work on it.

Mr. DORGAN. We don't have a problem with the merit and value of flood insurance. I think the program makes sense. We have an agreement, as it is currently written, and I hope we can perhaps modify it in a managers' amendment. On page 9, section 7, it appears to me FEMA would be required to come in and say: Ah ha, you are behind that levee; therefore, you must purchase this insurance. I hope what the Senator from Connecticut intends with this is that it be risk based because there will clearly be a different risk attached to someone who has a brand new levee system that they exhausted themselves paying for over the last 10 years. It is all done. They cut the ribbon, they celebrated, they had the town band out, in fact, but they are told by FEMA: That is not a factor.

Mr. DODD. I think we are on the same page.

Mr. DORGAN. Let's see if we can craft something between now and the end of the day. I would not offer the amendment; the Senator from Connecticut will offer it, and it represents our combined views about this issue.

I appreciate my colleague having this colloquy.

Mr. DODD. I thank my colleague. It is a very good suggestion; once again, a very good suggestion.

The door is open for business. If anyone has amendments, we would like to have Members come over and offer the amendment. In the meantime, I suggest the absence of a quorum.

Mr. DORGAN. Mr. President, will the Senator withhold?

Mr. DODD. Yes, I withhold.

Mr. DORGAN. Mr. President, I ask for 5 minutes in morning business.

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

#### OIL AND GAS PRICES

Mr. DORGAN. Mr. President, I wish to make a point. I don't know yet if there is a markup this afternoon of the Appropriations full committee. If there is, I am intending to offer a couple amendments to that markup. I wish to describe one amendment that I plan to offer, and that relates to dealing with oil and gas prices.

The price of oil is way beyond that which is justifiable by simple supply and demand conditions. It is bouncing around like a yo-yo up around \$120 and as much as \$124 a barrel of oil. There is no justification in the supply and demand of oil for that price. It is damaging to the economy, and it hurts a series of industries in this country. The airline industry and trucking industry are just two examples. It hurts every American as they pull up to the gas pump to figure out where they are going to get the money to pay for the gasoline price.

What is happening? At the moment, a couple of things are happening.

One, we have an unbelievable bubble of speculation in the futures market. I have people say to me: That is not true. It is true. It is hard to justify the current price of oil given the physical elements of the market today. What we have is people entering the commodities futures market that have no interest in buying oil. They buy oil and sell it. They never take possession of it. They buy what they will never get from people who never had it. They are making money on both sides of the transaction because they are waging. To put it plainly, they are gambling. That is speculation. We have an orgy of speculation on the futures market.

We had people testify in the Senate and House that it adds \$20 to \$30 to a barrel of oil. Should we sit back and watch a bubble develop and say, "Whatever the consequences, that is fine?" The answer is no, of course, we should not. Buy stock on margin and it will cost you a 50-percent margin requirement. If you want to buy oil on margin in the futures market for crude oil, then you pay 5 to 7 percent.

We have hedge funds neck deep in the futures market. We have investment banks neck deep in the futures market. Are they oil experts? Do they want to own oil? No, they want to speculate on oil and make money.

The fact is, it is damaging this country's economy. We ought to wring that

speculation out of those commodity markets. We ought to be increasing margin requirements. I know it is hard to do, but we ought to do that. When we see this kind of speculation damaging our country by driving up oil prices and driving up gasoline prices, we ought to do something about it.

Second, we are now putting oil underground right now. We are taking sweet light crude oil off the Gulf of Mexico and sticking it underground in something called the Strategic Petroleum Reserve. I think it is fine to have the Strategic Petroleum Reserve if we run into trouble. It is nice to have an oil reserve. Yet, that reserve is 97 percent full. Still, this administration is taking up to 70,000 barrels a day, every single day, and sticking it underground.

They say it doesn't affect the price. Of course, it affects the price. We had testimony before the Energy Committee that because it is a much more valuable subset of oil, called sweet light crude, that it has as much as a 10-percent impact on the price of oil and gasoline. So, of course, it affects the price.

I think it is nuts for this country to be taking \$124 barrel of oil and saying let's stick that underground and save it for a rainy day. I tell you what, it is a rainy day these days when you have to pay this price at the pump. It is a rainy day these days when you see four, five airlines go belly up because they cannot afford the fuel. It is a rainy day these days when truckers say that we have to park the truck because we can't afford the fuel. An entire industry is at risk.

The fact is, we have to do something about it. I mentioned two things, both of which are tangible and real and both of which are causing this increase, at least a significant part, in my judgment, in the increase in the ramp-up of the price of oil and gasoline.

The President believes that there is not much anybody can do in the near term. This is not a time to wring our hands, mop our brow, gnash our teeth and say there is not much anybody can do. This is a time for us to try to figure out what is happening and try to respond to it. It is doing great damage to our economy.

In the longer term, I believe that there are things we need to do. We are unbelievably dependent on overseas oil. We are unbelievably dependent on Saudi Arabia, Kuwait, Iraq and Venezuela. Sixty percent of our oil comes from offshore. As I described before and others have, we stick straws in this planet and suck oil out of the planet. Every day we suck out 85 million barrels of oil. One-fourth of that has to be used in this country.

Let me say that again. The appetite of oil is this: One-fourth of all the oil we pull out of the planet every day is used in this little place called the United States of America. Sixty percent we get from outside our country. Seventy percent of it is used by vehicles. We have a lot to do.

After 32 years, we finally mandated an increase of 10 miles per gallon in 10 years on a range of vehicles. We also need to produce more. I and three others in this Chamber got the law changed to allow us to go into lease 181 in the Gulf of Mexico and finally produce more oil and gas. Frankly, we ought to open up more of the Gulf of Mexico. That is the greatest potential reserve on the Outer Continental Shelf. I and three others introduced the legislation and got it passed and opened up lease 181. If you look at the Gulf of Mexico, California, and Alaska, and the East Coast, the greatest potential reserves are in the Gulf of Mexico.

We need to conserve more and produce more. We need greater efficiency for all we use, and we especially need to move into renewables.

I understand we have to do all of that. At the moment and in the short run, we have to take specific steps that will put downward pressure on prices. John Maynard Keynes said, "In the long we are all dead." That is an economist talking. We can talk about the long run here, but let's also talk about the short run right now.

What can we do to address something that most Americans understand is a very serious problem? The issue is price of gasoline? I am just saying this, and there are those who disagree with me. Look at the commodities market and look at this orgy of speculation. This is a bubble. Wouldn't it be nice if someone had looked at that bubble as it built with respect to home mortgages and home prices? We have seen a lot of bubbles. We have seen the tech bubble. We have seen the bubble in home prices. Every bubble bursts. This one will. But in the meantime, how many additional casualties will we see on the side of the road? Look at what's happening with American families, American business, American industries. How many casualties? The big integrated oil companies go to the bank with a "permagrin." They can't stop smiling because they are depositing our money in their bank accounts. But it is not only the big integrated oil companies, it is the OPEC countries. They are going to the bank everyday with our money because we recycle this money to provide for a bank account for the Saudis and others just like we do for the major integrated companies.

I do not think there is any justification for this price. This Congress is prepared to act. Senator REID and others have joined together, and I am a part of it to deal with this issue of putting oil underground. We are going to stop it in its tracks. I introduced a bipartisan bill a couple of months ago to suspension the filling of the SPR. Our entire caucus is also behind the proposition. We believe it's time to begin to wring this speculation out of the futures markets and stop this insidious rise in oil prices.

While we need to move beyond oil, right now we still need oil. There is no

question about that. We need to find more, and we need to use less, to the extent we can. That means more production and more conservation. In the meantime, when markets do not work and people are doing things that have no common sense at all, such as putting oil underground when oil is \$120 a barrel, then this Congress has a responsibility to act. We need to get things straight. Let's set things right; let's stand up here on the side of the American consumer and on the side of American businesses who need this energy.

One final point: In yesterday's The Wall Street Journal, they wrote one of those editorials that must make those folks grin like Cheshire cats as they sit there with their gray suits on, behind horn-rimmed glasses, deciding what to write next in the Wall Street Journal about the Senate. Did you see what those folks did in the Senate—DORGAN, SCHUMER, and others? What they did is said we should put pressure on the Saudis because the Saudis want to buy precision weapons for their own security from us. We should say that maybe they need to be producing more oil. Of course, the Wall Street Journal had an apopleptic seizure over that.

Here are the points. The Saudis are producing 800,000 barrels a day less than they did 2 years ago. It is not lost on them what this is doing to price. It is not lost on them, or it should not be, what this is doing to our country. They are pumping 800,000 barrels a day less than they did 2 years ago and then they say to this administration we wish to buy sophisticated weapons from the United States because we have our strategic military concerns in our region. Maybe we say to the Saudis: The United States has strategic concerns in our country as well. Why are you pumping 800,000 barrels a day less when you could be putting more oil on the world market? Partnerships work both ways.

I am very concerned about arming the Middle East. I am going to speak about that at some point later. But our point to the Saudis and the point in the Middle East was simple. If you are pumping 800,000 barrels a day less per day and then demand weapons from the U.S. without reciprocating then it's not going to work.

That is a long statement to say it is time for us to act. Senator REID, Senator KLOBUCHAR, other Members and I have decided we are not going to sit here like potted plants. When something is happening in the futures market and when something is happening to take oil off the supply to put it in the SPR, then we have a responsibility to act. I intend to be a significant part of that.

If we have the markup in the Senate Appropriations Committee this afternoon, I intend to offer a couple amendments at that appropriations markup. Unfortunately, I understand it may well be canceled this afternoon.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Ms. KLOBUCHAR. I thank Senator DORGAN for his leadership in this area. He was ahead of this. Before the crisis got to the pocketbooks of Americans, he was predicting what has happened. He has been proactive about this.

But can the Senator talk about the strategic reserve, the petroleum reserve? I know there is some bipartisan support for doing this, is that correct, for stopping putting our oil there?

Mr. DORGAN. It is the case. I have introduced legislation here in the Senate. Fifty-one Democratic Senators, including Senator OBAMA and Senator CLINTON, signed a letter to the President saying stop sticking oil underground for the rest of 2008. Also, a couple of weeks ago our Republican colleague, Senator HUTCHISON, led on a letter to the White House saying, yes, we agree. We ought to stop sticking oil underground at this time. There were 15 Republicans who sent that letter. Further, Senator MCCAIN said it was nuts to stick oil in the SPR while on the campaign trail. When you add that up, that is 67 people in the Senate. That is a veto-proof majority.

Ms. KLOBUCHAR. How much is it expected to save? Is there an immediate impact we might expect in savings per gallon?

Mr. DORGAN. There are several views on that, but we know it is a lot more than zero like the Administration assumes. We don't know exactly what the savings would be. We do know this: If today 70,000 barrels, especially the sweet light crude—which is the most valuable subset of oil—were put back into this marketplace, then people have testified in the Senate that it could impact as much as 10 percent of the price of oil and gasoline.

We know it would impact the price. Some say 70,000 barrels is not very much given what is used in a day. It is true, 70,000 barrels is not all that much, but this is sweet light crude which is very different. We had an economist named Dr. Verleger testify before the Energy Committee and make that very point.

This is a more important point. There are plenty of Members of the Senate who have now joined on this.

I was just informed the markup starting at 2 this afternoon has been canceled. This is where I was going to offer this amendment, so the amendment I expect to be able to offer will now wait until next week. We will get this done. We cannot sit around and allow things to happen. We have to make things happen, good things happen for this country and for the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

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

RENEWABLE ENERGY

Ms. KLOBUCHAR. Mr. President, I am going to speak on another topic

which is somewhat related to Israel's 60th anniversary. It is about energy security and climate change and the potential economic value to our country. The way it is related to Israel is this. As we look at the fact that we spend \$600,000 a minute on foreign oil, much of that money going to countries that we might not want to be doing business with if we had a choice, Israel, like our country, is very interested in developing alternative energy. If we can cut our dependence on foreign oil, we will enhance our own security as well as Israel's security.

Last winter I visited the new headquarters of Great River Energy, one of the biggest electric co-ops in Minnesota, to talk about renewable energy.

Great River is building a new energy-efficient office complex in the suburb of Maple Grove, MN. But what I remember best about that day is the huge wind turbine that towers over the building, and the way its blades were rotating in the January winds. This is literally in the middle of a suburban shopping mall.

It might seem odd that a company would put up a wind turbine in the suburbs of Minneapolis—in fact, it has become a landmark for the commuters who drive past each morning and evening.

It might seem even more odd that an electric utility would erect that symbol of green energy in front of its new headquarters.

But what Great River understands—and what that wind turbine symbolizes—is that clean, alternative energy represents a huge opportunity for our country.

Great River is not alone among utility companies that can see the green future before us. Xcel Energy, based in the Twin Cities and in Colorado, already gets more than 10 percent of its power from wind. It has pledged to generate 30 percent of its electricity from renewable sources by 2025 and reduce its carbon emissions by more than 20 percent over the next 12 years. In fact, Xcel was supportive of our state legislature which put in place one of the most aggressive renewable standards in the country.

Xcel's CEO, Dick Kelly, recently said that Xcel intends "to push it to the max. But it would be nice to have a policy at the federal level, a national policy, so we all know what the rules are."

As we prepare to debate the landmark climate-change legislation that will come before us in a few weeks, I hope we keep these two examples in mind.

Because here is what they show us: Global climate change represents a world of challenges. But it also represents a universe of opportunities—for American business to develop new products and technologies, for consumers to save money on their energy bills, for America to achieve greater energy security and independence.

First, there is opportunity for consumers.

The National Academy of Sciences has estimated that American motorists were able to cut their gasoline consumption by almost 15 percent annually as a result of the last fuel-economy standards that Congress enacted in 1975—standards that also reduced the emission of greenhouse gases. The new CAFE standards that we adopted in December will not only further slow the emission of greenhouse gases—but they will also save the average consumer as much as \$1,000 a year at the gas pump.

We are developing the technology to take these efficiencies even further and they make savings at the pump even greater. The opportunities lie not only in producing cheaper and renewable sources of fuel, including cellulosic ethanol, the next generation of ethanol but in making our vehicles more efficient. Increased efficiency is perhaps our greatest opportunity to stretch a family's energy dollar—\$4-a-gallon stretches a lot further when it will take your car 50 miles instead of 25. The next generation of hybrid cars, as well as the development of cars powered by other renewable sources such as electricity or hydrogen, open a new world of opportunity for the American consumer; an opportunity for innovative American companies to be at the forefront; an opportunity to reduce our environmental impact while reducing our dependence on foreign oil.

Then there is electricity. If every American household replaced just one light bulb with a compact fluorescent bulb, the country would save \$600 million in annual energy costs, the nation would save enough energy to light more than 3 million homes for a year—and we would prevent greenhouse gas pollution equivalent to the emissions of more than 800,000 cars.

There is also opportunity for business.

The Safeway grocery chain decided recently to install solar panels on 23 of its supermarkets to provide energy for heating, cooling and electricity.

They estimate that they will cut their electricity costs by 20 percent and that they will remove 12.6 million pounds of carbon emissions every year.

General Electric, one of the biggest corporations in the world, has moved aggressively into what it calls "green products" such as energy-efficient appliances and components for wind turbines. Its sales of green products have doubled since 2005 to \$12 billion, and the company aims for \$20 billion of green products sales by 2010. This is our "building a fridge to the next century."

In my home State, the State of Minnesota, in the town of Starbuck, there is a small company called Solar Skies. There are just 10 employees at Solar Skies, but those 10 people decided to take a risk, to leave their jobs, and to go to work for a place that makes solar panels. Those employees are devoted to

the idea that we can create a new energy future for all of us. They believe in their work and are now reaping the benefits of the opportunity created by this new energy economy. When I visited them, they actually had me jump up and down on the solar panels to show that they could withstand hail damage; I am sure they would welcome the Presiding Officer from the great State of Montana to do that as well.

Clearly, the people at Solar Skies are not the only ones to understand the opportunity. If you look at the leading indicator of American investment, venture capital, you will find that it reached \$2.9 billion of investments in green technologies last year, up 78 percent from a year earlier.

Clean technology is not only the fastest growing portion of the venture capital market, it is now the third largest category, behind only biotech and computer software.

So today we have to ask ourselves, Does the United States want to be a leader in creating the new green technologies and the new green industries of the future or are we going to sit back and watch the opportunities pass us by? I am determined that we will be a leader.

As you know, this is my third speech on climate change every week up through the debate. The first was an overview, and the second one was about leadership and the need to push this country forward, to be a world leader on this climate change issue and on technology. Today, we are talking about the possibilities of new jobs for this country, for our country as a whole.

This is also an opportunity to create an energy-secure future, to free our country from its dependence on foreign oil. We spend literally \$41 million every hour on imported oil, and much of the money simply goes back to countries that are not our friends.

The Council on Foreign Relations recently studied this question, and they said:

America's dependence on imported energy increases its strategic vulnerability and constrains its ability to pursue foreign policy and national security objectives. The lack of sustained attention to energy issues is undercutting U.S. foreign policy and U.S. national security.

But the report also concluded that a determined conservation effort could:

Unleash remarkable forces for innovation in this country. Entrepreneurs are seeking new ideas for products and services such as batteries, advanced oil and gas exploration and production techniques and biofuels.

By reducing our emissions of greenhouse gases through conservation and new technology, we can reduce our use of imported oil and leave our country in a stronger international position. This is not only wishful thinking. It has worked before. Conservation initiatives enacted after the first OPEC oil embargo reduced the oil intensity of our economy, saving our country the equivalent of 15 million barrels of oil

per day. Today, a comprehensive policy to reduce greenhouse gas emissions, including higher fuel standards for cars and trucks, development of clean alternative sources of energy, and better energy efficiency standards for buildings, can do this.

Look at the Chevy Volt. Two years from now, the Chevy Volt will be available for purchase. You can plug your car in, you go 30 miles, and then it transitions over to fuel. In other words, if you are driving through Montana or Minnesota and it is 10 below zero, you are done with your 30 miles, and it is not going to stop, it transitions over to fuel, and hopefully that will be alternative fuel.

We can cut our oil consumption by as much as 35 percent by 2030—more than offsetting the oil we import from OPEC today—just by putting in place these higher fuel economy standards for cars and developing clean alternative sources of energy and better energy efficiency standards for our buildings.

A study last year by the McKinsey Global Institute concluded that projected electricity consumption in American homes in 2020 can be reduced by more than one-third if high-efficiency measures were adopted nationwide, including lightbulbs, water heaters, kitchen appliances, room-insulation materials, and standby power. But here is what is interesting. The report warned that market forces alone, even with higher energy prices, would not be sufficient to make the most of these energy-efficient technologies. What is required is leadership from Washington, leadership from this Chamber, leadership from the White House, a new national strategy to wean the country from fossil fuels, to reduce our emissions of greenhouse gases, and to set the stage for this new energy economy.

This is the heart of the climate change legislation that will come before us in the next few weeks: a strategy to cap and reduce greenhouse gas emissions, then use a cap-and-trade system so that the private sector achieves these reductions in the most efficient way possible. The market is ready, but it needs leadership from us.

Last year, Minnesota's own Tom Friedman had a cover story in the *New York Times Magazine*, "The Power of Green." It should be required reading for anyone who cares not only about the future of our environment but also our economic future and our future national security.

In the article, Tom Friedman asks: How do our kids compete in a flatter world? How do they thrive in a warmer world? How do they survive in a more dangerous world?

The answer is, in making the most of the economic and technological opportunities to reduce our dependence on fossil fuels, and the greenhouse gas pollution that comes from it, we do better.

Friedman said that clean energy technology is going to be the next great global industry. He went on to

propose the Green New Deal, one in which the Government's role is not funding projects, as in the original New Deal, but seeding basic research, providing loan guarantees where needed, and setting standards and incentives and taxes that will spawn all kinds of new technologies.

We are trying to do that right now with the wind tax credit, the renewable tax credit, for geothermal and for solar and other kinds of renewable energy. I believe this is not all about cutting back or hunkering down, it is about seizing opportunity.

In his words:

It's about creating a new cornucopia of abundance for the next generation by inventing a whole new industry. It's about getting our best brains out of hedge funds and into innovations that will not only give us the clean-power industrial assets to preserve our American dream, but also give us the technologies that billions of others need to realize their own dreams without destroying the planet.

It is about making America safer by breaking our addiction to a fuel that is powering regimes deeply hostile to our values. And, finally, it is about making America the global environmental leader, instead of a laggard.

Oponents of the Lieberman-Warner climate change bill say we cannot do this because it will somehow cripple our economy. I say we cannot afford not to enact climate change legislation because global warming will cripple our economy.

A recent economic study commissioned by the Pew Center on Global Climate Change concludes that, under at least one scenario, higher temperatures could cut more than \$100 billion off American economic output over the next century, largely because of damage to agriculture, forestry, and commercial fishing.

Now, look at this. The temperature in the last 100 years is up 1 degree. That does not sound like much until you realize it has gone up only 5 degrees since the height of the ice age. Our EPA, using data, well-founded scientific data, projects that temperatures in the next century will go up 3 to 8 degrees.

So this idea that we can lose \$100 billion off American economic output over the next century is not some far-flung idea, it is based on scientific research. Unless we can confront this problem and confront it now, those costs will simply go higher and higher. We will also miss the opportunity for new jobs, for new products and technologies, new consumer savings, and a more responsible climate change policy. It is a big challenge. But meeting challenges is what our country does best. Just look at history.

When the space race began with the launch of sputnik in October 1957, American citizens listened with indignation and fear as the first manmade satellite, a Soviet satellite, beeped its way around the Earth. Yet it inspired our Nation and its universities to make a historic investment in math and science education. Within a decade, our

country tripled the number of science and engineering Ph.D.s—tripled them.

In 1961, President Kennedy issued a challenge to our Nation: Put a man on the Moon by the end of the decade. We answered the call. On July 20, 1969, what seemed impossible became reality when Neil Armstrong took that giant leap for mankind.

But the space program was not only a success because we put a man on the Moon before the Soviets, it also spurred countless other innovations in industry. I love saying this in front of our pages because I think they were not born when this happened. To them, this is commonplace, but back then we did not have these things. This is what it has spurred. It spurred industries and innovations such as weather satellites, solar technology, digital wristwatches, ultrasound machines, laser surgery, infrared medical thermometers, programmable pacemakers, satellite TV broadcasts, high-density batteries, high-speed long distance telephone service, automatic insulin pumps, CAT scans, radiation-blocking sunglasses, GPS devices, and the little chocolate space sticks my family would take when we went on camping trips in the 1970s. That all came out because we had a President who said we have a national goal, we are all part of the same Nation, and we are going to reach the goal. We can do the same thing with climate change and energy independence.

Today, it is not a Russian satellite streaming across our skies that should galvanize our Nation into action. It is the multiplying smokestacks in China, it is the receding glaciers in Greenland and Antarctica, and it is the rapidly rising global temperatures, and it is being leapfrogged by countries like Brazil that are now fuel independent because their Government put in place a policy for alternative biofuels.

But just as sputnik sparked a new age of prosperity and opportunity, these trends can lead to opportunities for the strengthening of our economy and renewing our leadership in the world. In doing so, we will create a better economy for the next generation by developing whole new industries, which will not only help us preserve our American leadership in the world but will also help to deploy technologies billions of others need to realize their own dreams without destroying the planet.

I believe we have the responsibility to confront a grave threat to our environment and our health. I believe we have the opportunity to do a great service to the people of this country. I believe that before us now we have the opportunity to make our economy stronger and more efficient. But it is rare that we have the opportunity to accomplish all three at once, to accomplish so many good things in one bold stroke. This rare opportunity will come before us in a few weeks when we take up the landmark Lieberman-Warner bill to address the challenge of

global climate change. We must seize that opportunity.

Mr. President, I ask unanimous consent that at 2 p.m. today, the Senate resume the DeMint amendment No. 4710, as modified, and that there be 20 minutes of debate prior to a vote with respect to the amendment, with 15 minutes under the control of Senator DEMINT and 5 minutes under the control of Senator DODD or his designee; that no amendment be in order to the amendment prior to the vote, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment.

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

Ms. KLOBUCHAR. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mr. BROWN. I thank the Presiding Officer and the Parliamentarian.

#### TRADE

Mr. President, for the last year, 15 months, 16 months, or so, as I have traveled throughout my home State of Ohio, I have held 95 or so roundtables with small business owners, entrepreneurs, workers, community leaders, family farmers, educators, and everywhere I go I hear variations of the same story—about plants that have closed and left for Mexico or China, and workers, often in their fifties and sixties, who have few alternatives.

Manufacturing has been devastated over the past 5 years. Ohio has lost upwards of 200,000 manufacturing jobs since 2001, and this administration has been largely indifferent.

One of these roundtables was held in Tiffin, OH, a small manufacturing city of about 20,000 people, an hour or so from Toledo. A company well known, American Standard, a company that makes plumbing equipment, was bought out by an investment banking firm from Boston in November. In December, they notified the workers they were going to shut down the plant and move its production elsewhere.

A couple hundred workers lost their jobs, many of them lost big chunks of their pension, and some of them lost their health care. Yet the investors who came in and bought American Standard did, of course, very well.

Today, Ohio and its neighbors feel this problem of plant shutdowns, what it means not just to the workers and their families, but what it means to the communities as it relates to police protection and fire protection and teachers, as these communities are

badly hurt, particularly smaller cities, and they simply cannot afford to hire as many police and firemen and teachers.

Ohio and its neighbors feel this problem most acutely, but it is the Nation's problem. Our economy cannot prosper unless we make and sell goods as well as services. Yet for the past several years, much of our Nation's greatest engineering prowess has not gone to Toledo or Dayton or Youngstown but, instead, to Wall Street.

Unfortunately, traditional manufacturing has declined as a share of our economy, while the manufacture of financial products has become increasingly important.

When I was elected to Congress in 1992, our trade deficit was \$38 billion—\$38 billion a decade and a half ago. Today, it exceeds \$800 billion. With oil reaching \$121 per barrel, and perhaps higher soon, the trade deficit will likely only increase in the years ahead.

Leading up to the Ohio Presidential primary in March, the media focused on NAFTA, the North American Free Trade Agreement. In Ohio, when we talk about NAFTA, we mean our overall trade policy, be it with Mexico and Canada, or China, or Central America. But the media, of course, hears only the word "protectionism." When you think about it, that is a pretty interesting choice of words. On the one side you have proponents of free trade, while on the other side you have what many papers label as "protectionists."

Those of us in favor of fair trade are, indeed, trying to protect what we believe is important. We would like to protect the labor standards our country has fought so hard to establish over many decades. We would like to help our trading partners, the developing world, to improve their labor standards. We would like to protect consumers in this country from defective and even dangerous products. We would like to protect our children from toys covered with lead paint and our hospital patients from tainted blood products. We would like to protect the ability of our manufacturers to compete against foreign companies without having to overcome trade barriers such as currency manipulation.

So, yes, there are things I would like to protect. But so-called free traders are interested in protecting their interests, as well. They would like to protect their beef from imports. They would like to protect pharmaceutical companies, as they do. They would like to protect financial services. In fact, trade agreements of recent years basically are chock full of protections—protections for the financial service industries, protections for the pharmaceutical industry, protections for big oil.

In fact, NAFTA—what I hold in my hand is not the actual NAFTA trade agreement but NAFTA was about this size. NAFTA contained hundreds of pages of protections—protections in areas that go way beyond tariffs on

goods. It is similar with the Colombia trade agreement; it is also about this size. If they were free-trade agreements, you could have written them on about this many pages: five, six pages. All you would need is a tariff schedule—a schedule of tariffs we were going to reduce or eliminate. But, instead, NAFTA and the Colombia Free Trade Agreement and these others are this big. Do you know why?

It is not just the tariff schedules. They also have protections for the drug industries, protections for the banks, protections for the oil industry, protections for all kinds of corporate interests in every one of these trade agreements. That is why when we talk about protections, let's be fair. Yes, to be sure, I want to protect workers. I want to protect communities such as Tiffin, OH. I want to protect Sandusky and protect Lorain and protect Springfield and protect Zanesville. I want to make sure those communities are not devastated by these trade agreements that have all kinds of protections for the largest corporate interests but very little for the environment, even less for workers, and even less still to protect our food supply and our toy supply for our children.

We need to recast this debate. Those of us who want to change the rules are not protectionists, in spite of what every elitist newspaper from the New York Times to the Los Angeles Times and everything in between likes to say. Those of us who want to enforce trade laws and defend against bumping Chinese steel products are not protectionists. Those who want safe ingredients in pharmaceuticals we import are not protectionists. Those who want to make sure our children's toys coming from China—after our toy companies outsource jobs, push the Chinese subcontractors to cut costs. They cut costs by putting lead-based paint on toys because it is cheaper, it is easier to apply, it is shinier, it dries faster. Yet then these products, these toys come into the United States, and the Bush administration has weakened consumer protection laws and cut the number of inspectors so, because of this trade policy, this protectionist, protect-industry-at-all-costs trade policy, we have these tainted toys entering the bedrooms of too many of our children.

Trade is not just about exchanging goods between countries. Trade, when done right, is about lifting workers in the United States and lifting workers abroad out of poverty. It is about creating new industry. It is about creating new business. It is about creating new jobs. It is about ensuring strong and thriving economies for all parties involved.

Fair trade products—for example, coffee, tea, bananas, flowers—products once relegated to specialty shelves in health food stores have now found their way into mainstream America.

Costco and McDonalds have begun to promote fair trade. That is fair trade

where workers share in some of the profits they produce for their employers. They know it means quality products and good business sense at home. In the coffee fields of Nicaragua, fair trade products mean a bright future for tens of thousands of young girls—girls who often would not have been able to go to school, but they are able to because their parents—coffee farmers in the case of Nicaragua—are making an income that gives them enough, sometimes more than \$1 a pound, as opposed to coffee that is not fair trade where maybe they get only half that. The kids of those workers do not get to go to school.

Fair trade products mean that farmers in developing nations earn two to three times more for their products, and those children, as I said, can get an education.

Fair trade products mean workers on flower farms across Latin America will be free from poisonous pesticides that cause death and birth defects.

Fair trade products mean that workers in developing nations will earn more and be able to buy more from us—the whole point of trade. That means, obviously, increased exports for U.S. businesses.

Fair trade means trade—and more of it—but with a very different set of rules, not this kind of protectionism to protect the drug companies and the oil industry and the insurance industry and the financial services, but trade agreements with a different set of rules that help lift up people, both in the developing world and in this country.

Proponents of the same failed trade policies of the last 15 years need to stop selling the trade deal with Colombia, for example, as a path to a stronger economy.

NAFTA sent 19 million more Mexicans below the poverty line. Today, there are 19 million more Mexicans living below the poverty line than in 1993, since NAFTA. CAFTA has failed—the Central American Free Trade Agreement—to create the thriving middle class in Central America that proponents promised.

The Colombia Free Trade Agreement, as written, will produce the same results: more poverty abroad, more lost U.S. jobs, more small businesses in this country closing up shop.

The first President Bush said each billion dollars—listen to this—each billion dollars of our trade surplus or deficit translates into 13,000 jobs. A billion-dollar trade surplus creates 13,000 jobs. A billion-dollar trade deficit costs 13,000 jobs. That is what the first President Bush said. That was back when the trade deficit was \$20 billion, \$30 billion, \$40 billion. Again, think about that: 13,000 jobs for a billion-dollar trade deficit or surplus.

Today, the trade deficit exceeds \$800 billion. Just do the math. The cost in jobs of this enormous increase in our trade deficit is staggering.

It is not surprising that voters in my State see bad trade deals as a major

factor in the destruction of our manufacturing base. They know our economy and they know their interests are undermined by that exploding trade deficit. They know Ohio's problems are Colorado's problems and Montana's problems and Massachusetts' problems. They know for the past three decades the historical link between rising productivity and rising wages has been severed.

For most of my life—well, half of my life; the first 25 or 30 years of my life—in this country, when workers were more productive, their wages went up. If I had a chart, you could see that. We could map productivity, and we could map wages. In this country, for decades and decades and decades, this created the middle class. This is what made us a successful economy and a successful democratic capitalist country—that productivity and wages would almost be parallel.

Today, particularly in the last decade, that connection has absolutely been severed. That has been the problem in many ways with our economy. Wages have been flat, profits have been up, executive salaries have exploded, and the middle class has struggled mightily.

Our country has entered a period where income inequality is at the highest level in 70 years. Now is the time to be asking the right questions. It is time to end the name calling and have a real debate about trade. We are at a critical juncture in our Nation's history. It serves both sides of the trade debate to remember that U.S. trade policy is a tool. It is not a fairy godmother. It should not be used to temporarily pump up well-connected industries—as trade policy often is; hence, all the protections—nor should it be used to tamp down competitive forces.

Our trade policy must promote competition, build on the progress our Nation has made, and promote our Nation's economic and strategic objectives rather than flouting them.

Ultimately, it will be ingenuity and sweat equity—we know that—that enables our country to thrive in the global marketplace. Like every country, we will have to work harder and smarter to win every contract and every sale. But it is the role of governments to ensure the rules for that contest are fair and that the interests of everyone—not just those we protect in our trade agreements—to ensure that everyone has a stake and everyone is served by our trade policy.

Our Government has not done that. Our trade deficit has ballooned, our manufacturing sector is faltering, and real wages are falling. The last thing we need is more business as usual. No more NAFTAs, no more CAFTAs, no more Colombia trade agreements. Business as usual has not worked. The status quo is not working. Again, 15½ years ago, the trade deficit was \$38 billion; today, it is \$800 billion.

We need to decide what our economic goals will be and how we achieve them.

If we do not, we will wake up to find we have left a sorry legacy to our Nation, to our communities, and to our children.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### SUPPLEMENTAL APPROPRIATIONS

Mr. GREGG. Mr. President, I rise to speak briefly—not about the bill that is pending but about a bill that is somewhere in one of the hallways around here, which is the supplemental that is necessary in order to fund our troops in the field. That bill was supposed to be marked up today in the Appropriations Committee, but, regrettably, for reasons which are not totally clear to me but which are reasonably apparent—which is that the House has not yet gotten its procedures in order—the bill was not marked up, the markup was canceled. It was supposed to start at 2 o'clock.

I certainly hope we will mark up this bill. It is very important this bill be subject to regular order. It is a very significant bill, obviously, because it involves funding for our troops in the field. It is significant also because a lot of other matters which are extraneous to the issue of fighting the war and giving our troops the resources they need have been added to it on the House side, and even more, as it appears, maybe even being added on the Senate side. Thus, the Senate ought to have the right to work its will on the bill in the regular order, which includes a committee hearing where the various issues are aired and amendments can be made. Then when it gets to the floor, it should also be subject to amendments so the minority, especially, can have some input on the bill. Otherwise, the minority gets written out of the process, which is not constructive to the institution, and it certainly means we would have to defend our rights and probably oppose the bill on those procedural grounds that we have an obligation—that we as a minority basically have the sacred right of making a decision as to when amendments are to be offered or at least what amendments should be voted on.

Relative to a major piece of legislation such as this, we as the minority should have the right to amend it. If we decide not to amend it, that is our choice, obviously. But parts of this bill clearly need to be subject to amendment, and the minority has a right to be heard on that in the Senate, especially because that is the essence of the institution. The minority has the ability to participate in the process through the amendment process and through the filibuster process.

So I wish to speak to some of the amendments I would have offered had we met today which I happen to think are very appropriate to this bill and which are in the area of jurisdiction for which I have primary responsibility. I am the ranking member on the Foreign Operations Subcommittee which is the committee that deals with foreign relations, with the State Department, and with funding foreign activities. There are some very important issues which need to be addressed in this bill that are not addressed. This bill has a significant amount of money in it that will flow through the State Department which deals specifically with Iraq, with Afghanistan, and to some extent with other issues such as Mexico.

The first amendment I would have offered would have been language to correct what is an inconceivable bureaucratic snafu, in my opinion. That is the fact that Nelson Mandela—certainly one of the greatest leaders of the 20th century, who epitomized the movement for freedom and for equality in Africa but really for the world generally—is not allowed in the United States unless he gets a special waiver from the Secretary of State which allows him to come into the United States because of the fact that he was a member of the African National Congress and is a member of the African National Congress, having been the head of South Africa as that party rules there; and that party, due to the history of that party, has been caught in the bureaucratic framework of our laws and is designated as a potential terrorist organization, which is really ridiculous on its face.

The fact that Nelson Mandela cannot come into the United States because the organization he led, which delivered freedom and equality in South Africa, has gotten this designation due to its prior activity, it would be like saying the head of the Likud Party, which a number of Prime Ministers of Israel come from, because it at one time was an activist organization confronting British rule in Palestine at the time, the head of the Likud Party would not be allowed in the United States but would have to receive special exemption. It makes no sense.

So this language, which the Secretary of State totally supports and the Secretary of State is equally outraged by, would have to be changed. So working with the State Department, we have this language together, and we will go over it.

I understand at 2 o'clock we go into debate on the DeMint amendment, and I will be happy to yield the floor as soon as somebody arrives and wishes to debate. But I ask unanimous consent to be able to continue until such individual arrives.

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

Mr. GREGG. The second amendment I would have offered would address the issue of the war on terror and our involvement with Iraq relative to the

State of Jordan, which unfortunately has found itself incurring dramatic costs as a result of the overflow of the events in Iraq. Massive amounts of refugees are coming into Jordan. It has put an extraordinary burden on that country, a tremendous ally and friend of the United States.

So I believe we have an obligation as a nation—since we created this problem for Jordan in many ways by the activity in Iraq—to support Jordan as it tries to address the issues of the refugees. We cannot help them with the physical activity of the refugees there, but we can give them resources. I was going to increase funding to Jordan to accomplish that. I know Senator INOUE is also very interested in this issue.

In addition, money being spent by the State Department in Iraq on behalf of reconstruction should be significantly limited; but more important than that, any new money we spend for reconstruction through State Department accounts should be matched one-to-one by the Government of Iraq. I find it inconceivable for a government that runs a \$30 billion or \$40 billion surplus, on the issue of oil revenues, not be asked to pony up or at least match what the American taxpayers are spending there relative to resources to promote reconstruction in Iraq. So I was going to offer that amendment.

I see the Senator from South Carolina is here. I understand this time is correctly his. At this point, I will yield the floor. First, I also intended to offer an amendment in markup today which would have put a consular office in Tibet. I think it is critical to have a consular office there as the Tibetan people deal with the situation occurring there relative to the Chinese Government crackdown.

At this point, I yield the floor.

AMENDMENT NO. 4710

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate prior to a vote in relation to amendment No. 4170, offered by the Senator from South Carolina, Mr. DEMINT.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I wish to talk about my amendment that will be voted on in about 15 or 20 minutes. It is amendment No. 4710. It is an amendment to the National Flood Insurance Program bill we are considering today.

The whole purpose of the flood insurance bill is to improve the program, make it more actuarially sound, make it more financially sustainable over many years. Obviously, we have had huge problems with the program. Yet it is very important to people all around the country, particularly those in coastal areas.

One of the goals of this reform bill is to make the rates fairer and to phase out a number of the subsidies that we have allowed under the current program.

The current program allows up to a 65-percent subsidy on properties that

were purchased before we developed these flood maps. In other words, there were many properties purchased years ago when people did not know they were purchasing a home in a flood area. For that reason, we basically grandfathered these homes in and allowed them lower rates in the flood insurance program than those who bought homes after we had designated those flood areas.

The bill addresses some of those properties by phasing out the subsidies of nonprimary residences—those that are rental properties, second homes, and even those with severe repetitive losses. We take about 475,000 properties that were pre-FIRM, as we call it, or pre-flood map, and phase those out. There are 700,000 permanent residences we do not address in the bill.

The purpose of my amendment is to bring all the properties, basically, into the same plan, and not to force some to pay higher premiums so we can give subsidies to these 700,000 homes. My bill doesn't affect the rates or the subsidies of any current property owner. My amendment does address new owners, if those properties are sold after this bill passes. In other words, we continue the subsidies of current property owners, except for those already addressed in the bill. But if those properties are sold, clearly, the new owner would know they are buying in a flood zone, so the rationale to continue subsidies up to 65 percent does not exist.

I remind my colleagues that if we allow inequities to continue, where some are getting subsidies and some are not, then some residents—and one might be sitting next to another—are going to have a higher property value because it will get lower flood insurance rates indefinitely, no matter how many times it is sold.

My amendment, again, I think would improve the sustainability of the program. I encourage the ranking member to consider this. I know there have been agreements not to add or support any amendments. But I think this captures a lot of the intent of the whole bill to make the program sustainable and fairer, and actually my amendment would return about \$550 million in additional premium revenues to the plan over the next 10 years. So this is, again, designed to make the program fairer.

I encourage my colleagues to look at this amendment. It is not a partisan amendment in any way. It will make the program better and fairer and it will bring everybody into the same status once properties are sold.

With that, I will reserve the remainder of my time and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from South Carolina.

Mr. DEMINT. Mr. President, in a moment I will ask unanimous consent to withdraw my amendment, but I wish to have a little discussion on the floor with the chairman and ranking member because for the most part, we agree on a lot of the principles in the bill, and they would like the latitude to work some of this out in conference.

My goal is to have a more sustainable, fairer program. The idea is not to raise the price of current premium payers or to raise the price of real estate. I want to ask my colleagues if they would consider some of the principles of bringing all policies eventually into some actuarial equity.

Mr. DODD. Mr. President, if my colleague will yield, he raises a very good point. In fact, I had a discussion with Senator DORGAN on a similar issue, but the same point of an equity interest involving the cost of premiums where you have a very well-built levee and should the premium be the same as one with a 50-year-old levee—that is a legitimate point, it seems to me.

We talked earlier with Senator VITTER about costs and values. We disagree with him on that issue, but he makes a case, as the Senator from South Carolina does, that we need to strike this balance well so we are not locking in permanent costs, and not also falsely contributing to a rise in the cost of real estate in a time when we are dealing with oversupply and trying to move properties.

I am sympathetic with what my colleague is trying to achieve. There is an equity interest he has identified that I think has legitimacy. The question is, How do we satisfy that in an actuarially sound program?

I commend him for the idea. I am grateful to him for withdrawing the amendment. It gives us a chance to work on it and examine it in a way that will hopefully satisfy him. I cannot promise him this, obviously, because the Senator from Alabama and I have to deal with the House. I come with an open mind to the equity issue he raises with his amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina for bringing up his amendment. I think it is something we should consider in conference. Senator DODD had a colloquy about it on the side on the floor a few minutes ago.

At the end of the day, what we are interested in is a more actuarially sound flood insurance program, one that will make more sense after a lot of mapping goes on around the country that will broaden the program and not perpetuate subsidy over and over for four or five sales or four or five generations where property is sold.

The Senator from South Carolina is on the right track. I assure him I want to pursue this in conference.

AMENDMENT NO. 4710 WITHDRAWN

Mr. DEMINT. Mr. President, I thank the chairman and the ranking member.

I trust their judgment to work this issue out in conference. I think the bill has made a lot of progress.

Mr. President, I ask unanimous consent to withdraw my amendment.

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

Mr. DEMINT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

DARFUR

Mr. DURBIN. Mr. President, I rise today to mark the anniversary of one global tragedy and to call attention to another, a tragedy that is occurring even at this moment.

Fourteen years ago this week, the world stood by as 800,000 Rwandans were brutally murdered, largely along ethnic lines, in only 100 days. Despite early warning signs and pleas for greater international attention, we did little more as a nation than watch as this act of genocide was allowed to continue.

Canadian GEN Romeo Dallaire at the time was commander of a small U.N. peacekeeping force in Rwanda when the genocide began. He desperately tried to get the United Nations to approve a more robust force to end the killings. Despite his efforts, the Security Council voted instead to cut back the United Nations' force. Nearly 2,500 troops were replaced with 450 poorly trained and poorly equipped soldiers. We all know the tragic result. Today the world looks back in shame at the inaction in Rwanda. We all failed.

In 1998, President Clinton visited Rwanda and spoke to those who lost loved ones in those horrible times. President Clinton said:

We in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred in Rwanda in 1994.

President Clinton's decision to visit Rwanda was an honorable one. It was the right choice. His words were inspiring in their honesty and accuracy, but his words were also an important reminder that the world cannot allow such a tragedy to occur again.

President Bush visited Rwanda in January and toured the Kigali Memorial Center, which I have also visited, where 250,000 Rwandans are buried in mass graves. President Bush said he hoped the world would "once and for all" work to halt the genocide in Darfur.

President Bush will soon be leaving office—less than a year from now. I

fear that unless his administration acts, and acts quickly, we will once again fail to stop a genocide in its tragic march. If we want to send a message to the world that the United States will not turn a blind eye to genocide, now is the time to act in Darfur.

Violence began in Darfur 5 years ago. Since that time, I have come to the floor many times to talk about it.

In 2004, the House of Representatives unanimously adopted a resolution calling on President Bush to call the atrocities in Darfur by their rightful name: a genocide. The resolution also urged the President to consider multilateral—even unilateral—intervention. That resolution passed nearly 4 years ago, in July 2004—4 years ago.

A few months later, Secretary of State Colin Powell said:

[G]enocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility and the genocide may still be occurring.

In June 2005, President Bush said he agreed with Secretary of State Powell's determination that what was happening in Darfur was in fact a genocide.

Two years later, President Bush spoke at the Holocaust Museum here in Washington and said that "genocide is the only word for what is happening in Darfur." He went on to say "... we have a moral obligation to stop it."

Many things have been said by many influential people over the years, but little action has taken place. Five years after this declaration of genocide, where do we stand? What have we done? As many as 400,000 residents of Darfur have been killed, others brutally raped and tortured, entire villages torched, creating a refugee crisis that has forced more than 2 million Darfuris to flee their homes.

This photo is almost surreal. As often described, people who have flown over the Darfur region say it looks as if people have put cigarettes out—the types of burns that you see. The burns, of course, represent huts in villages that have been destroyed. This is a part of Sudan after the Sudanese Government and allied militia forces recently burned a village.

Hundreds of thousands of women and children live in refugee camps in Darfur and Chad. I don't think this photo does justice to the camp, but what appear to be tiny white dots are, in fact, small tents, a sea of small tents. There are 90,000 people who live in the Kalma refugee camp in Darfur—no grass, no trees, 10 reported rapes every single day. The people in camps like this one in Kalma are dependent on us, the entire international community, for the basics—food, water, and shelter. It is nothing short of a humanitarian catastrophe.

The U.N. Security Council voted last summer in favor of a historic 26,000-member U.N.-African Union joint peacekeeping force. Last summer, they voted for it. That brought a glimmer of hope across the world that finally

there was going to be a global response to this terrible situation.

Today, almost a year later, only a third of those peacekeepers have been deployed—a third. Only a third of this peacekeeping force is on the ground while the Sudanese Government continues to thumb its nose at the international community and its forces continue to attack villages in Darfur. Humanitarian and U.N. relief workers face ongoing violence and harassment.

This photo is of a grieving mother whose children were killed in Darfur. Hers is one of the thousands—hundreds of thousands of tragic stories. She said her three children had been burned alive in this region's violence. Just the other day, Sudanese forces were reported to have bombed a primary school in the north Darfur village of Shegeg Karo, killing at least seven little children.

After so many years, after so much violence and human suffering, after so many calls for action, what is holding up the deployment of peacekeepers?

It may be hard to believe, but one significant problem is a shortage of helicopters—hard to imagine, a shortage of helicopters, as the killing, looting, pillaging, raping, and displacement continues. This tragic genocide has been raging for 5 years while we have just stood by and watched. Yet the world's most powerful nations cannot manage to dig up a handful of helicopters. How can that be? Are all our helicopters tied up in Iraq and Afghanistan? Are they all in the shop? Is there truly not one NATO ally that will spare a few helicopters? How about asking the Russians? They are already helping in south Sudan and Chad. The Russian Ambassador visited my office recently and told me he is open to exploring helping Darfur. It is hard to imagine that the United States would be asking other countries to be supplying helicopters, but at the risk of allowing this genocide to continue, we ought to do that.

This tragedy is of historic proportion, and it is our chance to step in and show the world we really care. But what it takes is Presidential leadership—not in 6 months, not in a year, but now.

I know some of my colleagues in the Senate, ones on the floor here—Senator BIDEN has raised this issue personally with President Bush. Quite simply, I want to put this in the most simple terms because I said it directly to the President himself and to Secretary of State Condoleezza Rice: If you are not going to do anything before you leave office to stop the genocide in Darfur, then spend a few minutes writing your speech so that a year or two from now, when you visit that terrible place, you can say: We could have done more; I wish we would have.

That is what it has come down to. This administration and Congress will either act soon or, sadly, this genocide will have occurred on our watch.

A few years ago, President Clinton faced the reality of his failure to act in

Rwanda. He called it “my great, great regret in international affairs.” President Bush, this is your chance. Either do something or face a similar script and a similar speech in years to come, expressing your regret that you, on your watch, did not stop the genocide in Darfur.

We cannot allow ourselves to have to look back years from now to say that happened. We have a moral responsibility as a leader in the world to speak out and act to save these people.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AMENDMENT NO. 4734 WITHDRAWN

Mr. ENSIGN. Madam President, I ask unanimous consent that the Ensign amendment be withdrawn.

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

Mr. ENSIGN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, before my friend leaves the floor, I express my appreciation to my colleague Senator ENSIGN. This is an issue that needs more work. We have spoken to the two managers of the bill. They are going to try to help us. This is an issue important to Nevada and we think other places. But I wanted to express my appreciation to Senator ENSIGN, who did most of the work on this issue.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRAIG. Madam President, let me also ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. CRAIG. Madam President, I thank the chairman because of the activity we are involved in on the floor with the legislation that he is shepherding at this moment.

NUCLEAR ENERGY

Mr. CRAIG. Madam President, the reason I am speaking at this moment

on the floor is that an event happened this week in Bonneville County, ID, in southeastern Idaho, that I think is significant not only to this Nation but ultimately to the world. A global nuclear service company selected that area of our country in my State to site a \$2 billion uranium enrichment facility on a 400-acre farm west of Idaho Falls on Highway 20, a location that is very near the birthplace of global nuclear power and the nuclear industry. In 1951, the first light bulb was lit by nuclear power in Arco, ID. Of course, while that is a little known historical fact, the actual reactor itself is now a national historic location, so designated by the late President Lyndon Johnson a good number of years ago. Since that time forward, over 50 prototypes of nuclear reactors have been designed at the Idaho Nuclear Laboratory and our first nuclear plant for a submarine. In fact, I often laughingly say that out in a big bathtub in the middle of the high deserts of Idaho is a nuclear sub and that many who train to operate our nuclear Navy trained in Idaho. It was because of that significance and the relationship that Areva, this global company, could have with our national laboratory facilities that they sited this nuclear service company there and their enrichment plant.

Areva, the company, will employ, at a peak during construction, nearly 1,000 workers over an 8-year period. When operational, the plant will employ some 250 full-time workers, with a total annual salary of approximately \$15 million. The plant will provide over \$5 billion to the local economy of southeastern Idaho over the next 30 years.

The enrichment plant could be the first of many nuclear partnerships that Areva will have in the United States and with Idaho. The next generation nuclear plant being designed at the Idaho lab right now allows and puts Areva into an alliance relationship. UniStar, which some who track the nuclear industry know about, is looking at an opportunity in Idaho, and Areva and Constellation and other major energy companies of the world are involved in that. My colleagues have heard us talk about NGNP which, of course, is a nuclear global energy partnership. Once again, Areva is a part of that.

Over the last year, I, my staff, and the Idaho congressional delegation have worked with Areva. Because they showed interest in siting in Idaho or Washington or Ohio or New Mexico or Texas, we began to work with them to show them what Idaho had to offer, not only in a relationship with our national lab but a phenomenally talented workforce that is capable of doing the kind of work they need done. We worked very closely with the office of Gov. Butch Otter. As a result of those relationships, we began to work with the Idaho legislature to provide an economic incentives package for this kind of development. We also worked with

the Idaho Department of Commerce and Industry, with the city of Idaho Falls, ID, which has always had a very positive working relationship with the National Nuclear Laboratory that is located just miles from that city. Those are the kinds of partnerships the State of Idaho, the City of Idaho Falls, the Governor, the Idaho legislature, and the Idaho congressional delegation were able to put together that finally brought Areva to recognize the tremendous opportunity that rests in siting a world-class facility such as this in our State.

I mentioned a moment ago and got unanimous consent that Colin Jones be allowed on the floor if he chose. Colin is a fellow from the Idaho National Lab and he worked in a very close relationship with this company to make sure they had all the answers when they needed them to make this happen.

Now, why is all this significant? Right now, we are talking about climate change. We are talking about trying to rebuild an industry in our country and for the world that we nearly lost, and that is the nuclear industry. For 20 years, this country, for some reason, grew very fearful of the idea that we might advance generation of electricity by new nuclear plants, and we literally stopped. In so stopping it, we nearly lost the industry itself and the ability of the industry to build new nuclear reactors, tied with generating facilities for electrical purposes. Along came the growing concern of climate change and the emission of greenhouse gases and other environmental concerns that caused us, in many instances, to stop producing energy in the traditional ways we had produced it.

Nearly 60 percent of the energy in this country is produced by coal-fired generation facilities. Many of those today are emitters of CO<sub>2</sub>, and there are some who believe it is the concentration of CO<sub>2</sub> in the Earth's atmosphere that may be causing an increased or an accelerated rate of warming of our globe.

While we are trying to make those changes, the rest of the world rushes headlong. In fact, China is a perfect example of bringing at least one new coal-fired plant on line per week to supply its growing energy and economic needs. We had always been criticized for being the larger emitter of greenhouse gas because we were 25 percent of the world economy. Now, China, a country that we didn't think would become the larger emitter for several years, this last June measured as the largest greenhouse gas-polluting Nation in the world.

My point is quite simple. The need for new environmental and clean energy technology today is absolutely critical, and building the infrastructure that can supply us with abundant energy is even more important.

If our country is going to continue to grow, it has to have an abundant supply of all sources of energy. We have

seen what happened just in the last several months as we have watched prices of gas at the pump go up to the level they are today, the shudder that has gone out from the consuming public, and the political reaction in Washington as we chase ourselves in circles trying to find an excuse to blame somebody for the inaction of the Congress over the last 20 years in the area of production and refinement and the overall development of energy itself.

The reason Areva's decision to site a facility not just in Idaho but in this country—a uranium enrichment plant—is a process that is key toward building the fuel to supply a nuclear reactor because that one technology that is available today beyond wind, beyond solar, to supply clean energy to the market is nuclear. While Sun is intermittent and solar is intermittent, nuclear reactors supply a strong base load of electricity to the American grid.

While we struggle with the technologies for clean coal, while we look to build other technologies, the one we can build today in a very demanding energy market is nuclear. Yet in a nuclear conference in Chicago just this week, Exelon and other companies that are major utilities said because of this whole new demand the price of building a nuclear reactor has doubled from maybe \$4 billion per single plant to now \$8 billion or \$9 billion.

This is the bottom line: The cost of energy is going to continue to go up until we bring online the technologies and the infrastructure to supply those technologies to continue to build an abundant energy supply for our country. So that is why I came to the floor today to talk about what got announced in Idaho this Tuesday, and that was a world-class, \$2 billion uranium enrichment plant by the Areva company and International Utilities.

I am proud of my State and all of the people in my State for the work they have done to accomplish this. I compliment them all and wanted them to be a part of the CONGRESSIONAL RECORD.

I yield the floor.

Mr. DODD. Madam President, I ask unanimous consent that there be 4 minutes of debate prior to a vote in relation to Durbin amendment No. 4715, as modified; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Durbin amendment, with no amendment in order to the amendment prior to the vote.

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

AMENDMENTS (NOS. 4724; 4725; 4727; 4728, AS MODIFIED; 4730; 4733, AS MODIFIED; 4735; 4736; 4711; AND 4706, AS MODIFIED FURTHER, TO AMENDMENT NO. 4707)

Mr. DODD. Madam President, I ask unanimous consent that the managers' amendment at the desk be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4724

(Purpose: To study alternative approaches to ensure the future of the National Flood Insurance Program by requiring greater efficiency and financial accountability)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

AMENDMENT NO. 4725

(Purpose: To deny premium subsidies to homeowners who refuse to accept an offer of Federal assistance to alter or relocate their property in an effort to minimize future flood damages and costs)

On page 8, line 13, strike "and".

On page 8, line 16, strike "policy." and insert the following: "policy; and

"(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

"(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) in connection with—

"(i) a repetitive loss property; or

"(ii) a severe repetitive loss property, as that term is defined under section 1361A.".

AMENDMENT NO. 4727

(Purpose: To impose a civil penalty for non-compliance with certain reporting requirements)

On page 50, between lines 3 and 4, insert the following:

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to \$1,000 per day for each day that the company remains in noncompliance with either such requirement.

## AMENDMENT NO. 4728, AS MODIFIED

(Purpose: To require clear and comprehensible disclosure of conditions, exclusions, and other limitations pertaining to flood insurance coverage)

At the end of title I, add the following:

**SEC. 133. POLICY DISCLOSURES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) **VIOLATIONS.**—Any person that violates the requirements of this section shall be subject to a fine of not more than \$50K at the discretion of Director.

## AMENDMENT NO. 4730

(Purpose: To provide 2 additional members to the Technical Mapping Advisory Council)

On page 25, line 11, strike “; and” and insert a semicolon.

On page 25, line 14, strike the period and insert a semicolon.

On page 25, between lines 14 and 15, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

## AMENDMENT NO. 4733, AS MODIFIED

On page 34, between lines 14 and 15, insert the following:

**(d) COMMUNICATION AND OUTREACH.**—

(1) **IN GENERAL.**—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) **REQUIRED ACTIVITIES.**—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such

owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

## AMENDMENT NO. 4735

(Purpose: To modify the project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota)

At the end, add the following:

**TITLE III—MISCELLANEOUS****SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.**

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

## AMENDMENT NO. 4736

(Purpose: To ensure that the purchase price of flood insurance policies required to be purchased in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other man-made structure in such area)

On page 10, between lines 16 and 17, insert the following:

(3) **ACCURATE PRICING.**—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

On page 31, after line 14 add:

“(v) The level of protection provided by man-made structures.”

On page 10, after line 16 insert:

(d)—upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corps of Engineers, the Corps shall immediately provide notice to the Director of the National Flood Insurance program.

(Amendment 4711 is printed in the RECORD of Wednesday, May 7, 2008.)

## AMENDMENT NO. 4706, AS FURTHER MODIFIED

Strike section 131 and insert the following:

**SEC. 131. FLOOD INSURANCE ADVOCATE.**

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

**“SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.**

“(a) **ESTABLISHMENT OF POSITION.**—

“(1) **IN GENERAL.**—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

“(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

“(B) be appointed by the Director without regard to political affiliation;

“(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

“(D) consult with the Assistant Administrator for Mitigation or any successor there-

to, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

“(2) **QUALIFICATIONS.**—An individual appointed under paragraph (1)(B) shall have a background in customer service, or experience representing insureds, as well as experience in investigations or audits.

“(3) **RESTRICTION ON EMPLOYMENT.**—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

“(4) **STAFF.**—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

“(5) **INDEPENDENCE.**—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

“(6) **REMOVAL.**—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

“(b) **FUNCTIONS OF OFFICE.**—It shall be the function of the Office of the Flood Insurance Advocate to—

“(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

“(2) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

“(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

“(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

“(5) conduct, supervise, and coordinate—

“(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer policies under the National Flood Insurance Program, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

“(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

“(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

“(A) promoting economy and efficiency in the administration of such program;

“(B) preventing and detecting fraud and abuse in the program; and

“(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

“(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

“(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

“(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section; including information submitted pursuant to Section 128 of this Act;

“(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

“(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

“(4) request the production of information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section;

“(5) request the testimony of any person in the employ of any insurance company or associated entity participating in the National Flood Insurance Program, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

“(6) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

“(7) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

“(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

“(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

“(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

“(3) ensure that the local telephone number for each regional office of the flood in-

surance advocate is published and available to such insureds served by the office; and

“(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

“(e) OTHER RESPONSIBILITIES.—

“(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate may—

“(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf of the national flood insurance program reflect damages caused by flooding;

“(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

“(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

“(2) ANNUAL REPORTS.—

“(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

“(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

“(ii) describe the nature of recommendations made to the Director under subsection (i);

“(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

“(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

“(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

“(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

“(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

“(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

“(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

“(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

“(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

“(xii) identify fraud and abuse in the national flood insurance program; and

“(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

“(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

“(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

“(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

“(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

“(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

“(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

“(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

“(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

“(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

“(g) PERSONNEL ACTIONS.—

“(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

“(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

“(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

“(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

“(h) OPERATION OF REGIONAL OFFICES.—

“(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

“(A) shall report to the National Flood Insurance Advocate or delegate thereof;

“(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the

daily operation of the regional office of the flood insurance advocate;

“(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

“(D) may, at the flood insurance advocate’s discretion, not disclose to the Director contact with, or information provided by, such insured.

“(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

“(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

“(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

“(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

“(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

“(A) whether such recommendation was followed;

“(B) why such recommendation was or was not followed; and

“(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

“(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

“(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

“(k) COORDINATION.—

“(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

“(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view

toward avoiding duplication and insuring effective coordination and cooperation; and

“(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

“(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

“(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

“(1) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—The Director and the Advocate shall establish procedures to take appropriate action against an insurance company, including monetary penalties and removal or suspension from the program, when a company refuses to cooperate with an investigation or audit under this section or where a finding has been made of improper conduct.

“(m) DEFINITIONS.—For purposes of this subsection:

“(1) ASSOCIATED ENTITY.—The term ‘associated entity’ means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

“(2) INSURANCE COMPANY.—The term ‘insurance company’ refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

“(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term ‘National Flood Insurance Advocate’ includes any designee of the National Flood Insurance Advocate.

“(4) QUALIFIED INSURED.—The term ‘qualified insured’ means an insured under coverage provided under the national flood insurance program under this title.

“(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed \$5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.”

Mr. DODD. Madam President, I ask unanimous consent that no further amendments be in order except as provided in the previous agreement with respect to the McConnell and Reid amendments; that the previous order with respect to rollcall votes on Monday, May 12, be modified to reflect that the previously ordered votes occur on Tuesday, May 13, after the Senate convenes and following the opening sequence of events, there be 60 minutes of debate equally divided and controlled

between the leaders, or their designees, prior to the commencement of the votes ordered under a previous order; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, each succeeding vote be limited to 10 minutes in duration; that other provisions of the previous order remain in effect; provided further that if cloture is invoked on the motion to proceed to H.R. 980, then all postcloture time be yielded back, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table.

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

Mr. DODD. Madam President, after the vote on the Durbin amendment, there will be no further votes today, no session on Friday, and no votes on Monday. Let me turn to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4715

Mr. DURBIN. It is my understanding that amendment No. 4715 is now pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. And I have 2 minutes to speak?

The PRESIDING OFFICER. Yes.

Mr. DURBIN. Madam President, if I could say briefly, if you are in the process of remapping, for flooding purposes, a watershed area, this amendment says that until you have completed both sides of the river—and in my case both Illinois and Missouri—you don’t increase flood insurance rates for one side of the river. So the entire watershed has to be mapped and completed before any new rates apply. This will not disadvantage either side of the river. It says they will all be announced at the same time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I think we are prepared to vote on the Durbin amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment, as modified, of the Senator from Illinois.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA), the Senator from Washington (Mrs. MURRAY), and the Senator from Nevada (Mr. REID) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from

Arizona (Mr. McCAIN), and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 68, nays 24, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—68

Akaka	Feinstein	Mikulski
Alexander	Graham	Murkowski
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Nelson (NE)
Bennett	Harkin	Pryor
Biden	Hatch	Rockefeller
Bingaman	Inouye	Salazar
Bond	Isakson	Sanders
Brown	Johnson	Schumer
Byrd	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Casey	Kohl	Snowe
Chambliss	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Webb
Dodd	Martinez	Whitehouse
Domenici	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	

NAYS—24

Allard	Collins	Inhofe
Barrasso	Crapo	Kyl
Brownback	DeMint	Lugar
Bunning	Dole	Reed
Burr	Enzi	Roberts
Carper	Feingold	Sununu
Coburn	Hagel	Thune
Cochran	Hutchison	Vitter

NOT VOTING—8

Boxer	McCain	Reid
Clinton	Murray	Warner
Ensign	Obama	

The amendment (No. 4715), as modified, was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CARDIN. Madam President, I rise to speak today in favor of S. 2284, legislation that would reform and modernize the National Flood Insurance Program, NFIP. Congress created NFIP in 1968 in the wake of a series of terrible hurricanes, the worst of which was Hurricane Betsy, a storm that devastated New Orleans in 1965. After observing the ad hoc nature of disaster relief efforts, all of which came at taxpayer expense, Congress saw an urgent need for a better way to handle the risks and losses associated with flood damage.

NFIP, which is administered by the Federal Emergency Management Agency, FEMA, provided insurance to individuals living in flood-prone areas who weren't able to get private insurance. But it did much more. It required mapping to identify areas at risk for flooding and community floodplain mitigation and management measures to help prevent flood damage in the future.

The program has been important in my State of Maryland. According to the 2005 report of the Maryland Emergency Management Agency, Maryland is the third most vulnerable State in

the Nation to flooding. More than 12 percent of land is designated under NFIP as a special flood hazard area. An estimated 68,000 Maryland homes and buildings are located within the flood plain, representing nearly \$8 billion in assessed value. Nearly 64,000 Marylanders held NFIP policies as of February 2007, and in the hurricane seasons from 2002 to 2006, a span that included Hurricane Isabel, insured flood losses in Maryland totaled approximately \$177 million.

The program appeared to work well for many years. The revenues brought in through insurance premiums covered payments made to individuals in the wake of flooding disasters. Today, the NFIP has been reported to save taxpayers over \$1 billion annually in flood losses that, without the program, would be paid by the taxpayers in the form of emergency disaster relief. But the 2005 hurricane season, which brought Hurricanes Katrina, Rita, and Wilma, created a need on an entirely new scale, a scale that not only overwhelmed the program but exposed serious flaws in its design.

To pay out the estimated \$19 billion in NFIP claims, the program had to borrow almost \$18 billion from the U.S. Treasury. Government-subsidized premiums for certain policyholders, outdated flood insurance rate maps, and other program weaknesses undermined NFIP's ability to meet the demands created in the 2005 season. Those flaws have also created false incentives over the years, encouraging developers and homeowners to build and then rebuild in flood-prone and environmentally sensitive areas.

With the 2008 hurricane season less than a month away, we have to fix the program's flaws and put it back on sound financial footing. S. 2284 does just that, and I want to applaud Senators DODD and SHELBY and my other colleagues on the Senate Banking Committee for their excellent work.

First and foremost, S. 2284 restores the program's solvency by forgiving FEMA's debt to the Treasury. FEMA isn't able to repay it; the interest alone is approximately \$900 million annually, equal to almost 40 percent of annual premium income. In order to keep rates affordable, we have to accept that loss and turn our attention to improving the program so it is better able to pay claims in the future.

S. 2284 takes several steps to make sure that the program's revenues will be sufficient to meet those future needs. The legislation moves several types of homeowners, who previously received subsidized rates, toward premiums that match their actual risk of flooding. It expands the categories of people who need to buy flood insurance to better reflect the categories of people actually at high risk. It includes provisions to encourage more homeowners, even those outside the highest risk areas, to buy insurance.

S. 2284 takes steps to ensure we know who is at high risk. It authorizes more

money for FEMA to update and digitize the Nation's flood hazard maps. Most FEMA maps contain 30-year old data. Think of that. How many of us live in houses or even neighborhoods that were built in the last 30 years? Homeowners and officials can't make good decisions about risk and development based on such woefully outdated information.

At present, FEMA's map modernization program updates old maps by putting them in digital form without changing any of the information. So if you live in a house or on a street that only came into existence in the past 30 years or so, you wouldn't be on the old map or the new "updated" map. Maryland officials, to their credit, were among a handful of State and local officials nationwide who realized that mere digitization alone isn't enough, and they contributed their own time and data to update the content, as well. Those maps will all be completed over the next 5 years. I am proud of my State's emergency management officials for showing that initiative, and I am glad that this bill makes substantive improvement to flood plain maps the norm rather than the exception.

One of the biggest lessons we Marylanders learned in the wake of Hurricane Isabel in 2003 was that people didn't have good information about flood insurance. Some people who should have had insurance didn't. Some who had it didn't understand it, had too little coverage, or too much coverage.

S. 2284 will improve consumer education. It takes steps to ensure that all homeowners at high risk of flood damage participate in the program and that more homeowners know about the flood risks to their property and about the insurance options available to them. It requires every person who buys a home in an area of elevated flood risk to learn about that risk at their settlement and be given an opportunity to purchase insurance. It places the burden on lenders to make sure all people who need to have insurance actually get it. It would provide grant money to communities to conduct educational and outreach activities to encourage people to purchase flood insurance and learn what steps they can take to mitigate against flood damage. Last but not least, S. 2284 creates an Office of the Flood Insurance Advocate to assist policyholders with any problems they have with their NFIP claims.

Rates that reflect risk, better flood plain maps, more expansive participation, and better information: these changes will make the program self-sufficient once again. But even more important, by providing homeowners, communities, developers, and emergency management and planning officials with accurate information about flood risk and its associated costs, S. 2284 reverses some of the program's false incentives to build and live in disaster-prone areas.

When hurricane season starts this year, it will bring greater risk to many States, Maryland included. An April 2007 Intergovernmental Panel on Climate Change report found that global warming will result in more flooding through more intense hurricanes, reduced snow pack, and sea level rise. We are experiencing those changes today in Maryland.

We have over 4,000 miles of coastline, more than the State of California, and historic tide-gauge records show sea levels have risen one foot within Maryland's coastal waters over the last century. Due in part to naturally occurring regional land subsidence, Maryland is currently experiencing sea level rise at a rate nearly double the worldwide average. Thirteen charted islands and large expanses of those critical tidal wetlands in the Chesapeake Bay have already disappeared.

These changes make us more vulnerable to storm surges. Allstate Insurance, one of our largest insurers, announced this past year that it would stop writing new homeowners' policies in coastal areas of my State. The reason they won't give insurance to homeowners in coastal areas is because they say a warmer Atlantic Ocean will lead to more and stronger hurricanes hitting the Northeast.

It is critical that we shore up the National Insurance Flood Program so that it is ready to support Marylanders and all Americans in times of need. S. 2284 does that without increasing incentives to build in disaster-prone areas or destroy environmentally sensitive areas. That is a tough line to navigate, but this bill does it well. I am proud to offer my support.

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#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate enter into a period for morning business, with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Wyoming is recognized.

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#### ENERGY SECURITY

Mr. ENZI. Madam President, I recently returned from a trip around Wyoming. The focus of my trip was the need for change in our health care system. I have spoken about that issue on the floor of the Senate on a number of occasions, and while improving our Nation's health care system is essential, here today to speak on another issue of great importance to my constituents. That issue relates to our Nation's energy security. We have debated measures to tax one type of energy to provide tax incentives for other industries. We have debated, without success, the idea of opening up more of America to energy production and the Senate will eventually take up legislation related to climate change.

As we have had those debates, we have seen gas prices rise to record levels. We have passed a "renewable fuels mandate" that looks less encouraging with every new study that is released, and we have sent more and more money to countries that do not support our ideals of freedom and democracy.

Because of that, it is my intention here today to inject a little reality, a little common sense into the energy debate. I want us to take a realistic look at how we get there from here. The "there" is an America that produces more clean, renewable energy than we can possibly consume. The "here" and now is an America that is largely dependent on foreign governments for the energy we need, the energy we can't do without—the energy that is the lifeblood of our economy; the energy that makes our way of life possible. Where we find ourselves now is the hole that the failed planning of the past and realistic ideology has put us in. We have got to get out. We have got to get out for the sake of our children and for the sake of Americans who are struggling to pay their bills today.

For the most part, we can all agree on where we want to go. We want more clean energy. We want to import less foreign oil. We want improved energy efficiency. We can also agree that where we are is not acceptable. Its the road we travel, the pathway we take to a better future that we have been arguing about for decades. The arguments I have seen over the past dozen years or more center not on economic health of our Nation but on environmental health. OK. That is fine with me. We can talk about hydrogen fuel cells, solar panels and wind turbines and we should. All these energy sources and many other renewables are going to be a part of the solution, but overnight, they cannot replace the fuel sources we use today. The technology is not there. The infrastructure is not there, and the will of the American people to switch to different, more expensive fuel sources is not there. It is one thing to say, yes, let's go green, but it's another thing to pull the green out of your wallet to pay for it. Technology takes time to commercialize. Infrastructure takes time to build and the attitudes and willingness of many Americans to embrace a new energy market, a market that could be more expensive, will take time to occur.

What do we do until we get there? What do we do with the energy sources we have now? We make them better. We use them more efficiently. We make them clean. We make them green. And what is America's most readily accessible energy source that we already have the infrastructure in place to use? What is the 800-pound gorilla in the room that unfortunately so many of our political leaders are ignoring or worse yet, persecuting? It's coal.

When you turn on your computer, when you flick that light switch or turn on the television, it's probably powered by coal. Most of the energy we

use to recycle the aluminum cans you put in the special bin on the curb, the glass, the metal, the plastic, well it comes from coal. And if you had an electric car now and wanted to plug it in to recharge, that energy would likely come from coal. Coal supplies more than 50 percent of our Nation's electricity and we have enough of it to last us for more than 225 maybe 500 years. Coal is what is going to pave the way to a completely renewable energy future. But its not going to be the coal you are picturing in your head right now. It's not going to be the black lump that Santa gives to ill-behaved kids on his list. It's not the dirty, dusty coal of Dickens' Victorian London. No, what I am talking about is plentiful clean coal that we use our ingenuity and our resources to turn into green coal.

You are worried about climate change and support the use of clean-burning natural gas. Good. Then you should support the projects underway right now that will convert coal into that natural gas or carbon sequestration of 50 percent of the carbon from coal, which makes coal just as "clean" as natural gas. We are developing technology to efficiently and cost-effectively convert coal into low carbon, low sulfur diesel, and to convert coal into low carbon gasoline so we can cancel those trips to Saudi Arabia where we have our hands out begging them to increase production of oil. Look, tomorrow we are not going to be able to jump into our hover car that is powered by common household trash. We need to develop what we have right now alongside the fuels of the future. Instead of running from coal, we should invest in its abundance, in its power and its potential. Instead of running from coal, America needs to run on coal, green coal.

George Washington Carver is one of my heroes for what he did with the peanut. He found over 300 ways that American farmers could use the peanut, including as soap, facial cream, shampoo and even ink. What we need now is a George Washington Carver of coal—and I believe several are out there right now ready to invent. They just need a little bit more encouragement instead of the "can't do" attitude that I hear from some opponents of coal.

Over the next few months, as we debate energy issues in the Senate, I will be talking with my colleagues about the need to develop the energy sources we will use in the future, some of which must be cleaner, more efficient versions of the energy sources we use today. We need all the energy we can get to power America, and I look forward to working on that solution.

I have been paying attention to what China is doing. They have figured out that the future power of the world is in energy, and they are buying it up anywhere they can. They are even buying U.S. coal.