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

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

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

The majority leader is recognized.

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

The PRESIDING OFFICER. The Senate will come to order.

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

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

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

The Senator from Vermont is recognized.

NUCLEAR POWER

Mr. SANDERS. Mr. President, I wish to say a word about a critical issue for the State of Vermont and for my State's energy future, and that deals with the Vermont Yankee nuclear powerplant. The Vermont Yankee nuclear powerplant is one of 23 plants in our country with the same design—General Electric Mark One—as the Fukushima plants that have experienced partial or perhaps full meltdowns in Japan.

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

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

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

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

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

It so happens that NRC Chairman Greg Jazcko, who is, in my view, a fair-minded public servant, does not agree with Entergy. He told me last week at a Senate hearing that ''I see nothing that would tell me that there's a preemption issue here.'' He said in a conversation with reporters that Vermont had a ''role to play in determining Vermont Yankee's future'' and that he ''doubted the NRC would do anything to interfere with the state's process.'' I believe the Chairman's position is correct. The NRC regulates safety—safety—although some Vermonters believe they do not do that very well. Nevertheless, it is not the arbiter of political or legal disputes between a powerful energy company and the State of Vermont. That is not the business of the NRC.

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

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

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

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

Mrs. BOXER. Will the Senator yield?

Mr. SANDERS. Yes.

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