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Senate

The Senate met at 3:15 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose steadfast love never ceases, your mercies are new every morning, and we wait quietly for Your salvation.

Give our Senators, this day, a godly excellence that seeks to serve with humility. Help them to be willing to go the extra mile and to be inconvenienced for the sake of others. May they seek ways to serve instead of waiting to be served, as they follow Your example of humble service. Let Your unconditional, unalterable, and unending love lead them to respect, honor, and unity. You are a great God to meet our needs. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2008

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN,

a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, following my remarks and the remarks of Senator MCCONNELL, if he chooses to make any, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. As previously announced, there will be no rollcall votes today. Senators should be prepared to vote on the motion to invoke cloture on the motion to proceed to S. 3044 tomorrow prior to the caucus luncheons.

MEASURES PLACED ON CALENDAR—S. 3098 and S. 3101

Mr. DURBIN. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will state the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3098) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (S. 3101) to amend Title XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

Mr. DURBIN. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

LAST FRIDAY

Mr. DURBIN. Mr. President, last Friday, five startling things happened to our economy.

The futures price for a barrel of crude oil rose above \$139, an alltime record. It increased over \$10 in 1 day, and the increase in price on Thursday and Friday was the largest 2-day increase in the 130-year history of the New York Mercantile Exchange.

That morning, a Morgan Stanley analyst had released a report predicting that the price of a barrel of oil could reach \$150 by the Fourth of July.

Also that morning, the worst job report and worst unemployment report in 12 years was released. The national unemployment rate has now reached 5.5 percent.

By the end of the day, in reaction to this news, the Dow Jones Industrial Average was down 394 points.

The average price for a gallon of gasoline at the pump on Friday, nationally, hovered around the alltime record of \$3.99 a gallon.

Are these five events related? Of course they are. There are many other economic events that took place last week that were also very important and related.

Here is the more difficult question: Did any of these events cause others to occur?

Most importantly, what led to that record increase in the price of oil, which will no doubt lead to crushing increases in the price of gasoline in the days to come?

The honest truth is nobody knows. Not the Commodity Futures Trading Commission, the regulator that is supposed to be monitoring the futures market. The CFTC Commissioners recently argued before the Appropriations Subcommittee that I chair that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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all the increase in the price of oil can be explained solely by the fundamentals of supply and demand.

Was there an explosion on Friday in an oilfield that disrupted a huge portion of the world's oil supply that we all missed? No. I don't see how a \$10 increase in 1 day can be explained solely by increases in demand relative to supply.

Not the Energy Information Administration, the official U.S. Government source for energy statistics. The EIA doesn't receive detailed information on who's trading what and why.

Was there a massive runup in gas on Friday by nervous motorists all across America? Since the EIA doesn't collect demand information from the gas pumps, I don't see how they could judge whether supply and demand explains the current futures prices.

Not the Federal Energy Regulatory Commission, the regulator responsible for the transmission of energy between States. FERC focuses mostly on the physical delivery side of the energy markets and doesn't analyze the futures markets.

Not the Federal Trade Commission, the regulator responsible for looking out for the interests of consumers and assaulting monopolies. The FTC can investigate the effects of consolidation in the oil industry and can help prevent price gouging at the pump, but they don't look at the nuances of futures market trading.

And I admit not this Senator either. I don't pretend to have all the answers as to why gas prices keep rising, but I certainly see a problem that needs to be addressed; it is a problem I see in Illinois and all across this country.

This issue is much too important to the American people to allow this to continue. Enough is enough. It is time for Washington and leaders across America to respond. We need to get to the bottom of this. There are far too many questions to which no one seems to have definitive answers—questions such as:

Are speculators driving up the price of oil far beyond what can be justified by supply and demand?

Are investors simply fleeing the stock markets because of the slowing economy and flooding the futures market with excess cash?

Are new investment vehicles, such as commodity index funds, driving up futures prices?

Are investment bank analysts issuing reports predicting huge increases in oil prices, in part, because those same banks will profit from that event?

Are large institutional investors taking huge positions in over-the-counter trades that are pushing market prices higher?

Are regulatory differences between the CFTC, which oversees American trading, and the Financial Services Authority, which oversees British trading, allowing traders to hide manipulative crude oil positions from the CFTC?

Are the big integrated oil companies using the rising price of oil futures to justify even larger increases in the price of gas at the pump?

If we had the answers to these and many other questions, we would have a better understanding of what is happening. We would better understand the policy steps to take next, and we would understand how to ensure that a crisis such as this doesn't continue or occur in the future.

It is time to give the CFTC the resources it needs to collect and analyze all the relevant data, so it can understand what is causing these huge price spikes.

It is time to give the CFTC—the regulatory agency involved—more workers, analysts, more cops on the beat to investigate every last detail of what is happening.

Look at this chart. By 2009, the CFTC will be asked to oversee around 980 million futures transactions of ever-increasing complexity. From the year 2000, where there were 145 million of these transactions, we now project that by the end of next year, that number will be 980. That is about six to seven times the number of transactions that occurred just a few years ago.

So at this Commission that regulates that industry and makes sure people aren't misusing it, how many cops on the beat have we had? In 2000, we had 546. Today, under the President's budget, it is 475. The number of transactions this agency is following to make sure they are not deceiving the public and that there is pure transparency increased by sevenfold, and the number of inspectors has gone down in that same period of time.

In Friday's Washington Post, the Chairman of CFTC, Walter Lukken, said:

We can hire an extra 100 people and put them to work tomorrow given the inflow of trading volume. We are doing the best we can in difficult circumstances. . . . This is something that we are obviously concerned with—the potential for manipulation.

It is time to pay attention to Chairman Lukken's comments. More important, it is time to ensure that extra resources are applied.

It is time to require the Commodity Futures Trading Commission to receive data on all trades of all sizes by all participants in the oil futures market that impact deliveries in the United States.

The CFTC then should be required to analyze that entire bed of data and report to Congress on the fundamental reasons behind the oil-price spike.

The American economy is clearly struggling. The cost of a tank of gasoline is an onerous burden to families, businesses, truckers, and farmers. Yet that price continues to rise. Enough is enough. It is time for us to give the resources to this agency so they will have the cops on the beat to make sure they are honest, open transactions, which we can monitor to make certain wild speculation doesn't drive our economy down even further. We have

the power within Congress to do it. If the President will not take the leadership on this issue, leadership must begin right here on the floor of the Senate.

As chairman of the subcommittee for the Commodity Futures Trading Commissions appropriation, I can assure you the resources that are needed for this agency will be the highest priority as we determine the appropriations bill that will be debated in the weeks to come.

It is time to figure out what is driving oil prices through the roof and bring them under control so our economy can continue to grow.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3044, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3044, to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

FILLING THE TREE

Mr. SPECTER. Mr. President, I have sought recognition to comment about a practice that is being employed on a widespread basis, which I believe undercuts the fundamental institutional integrity of the Senate. I am referring now to a procedure known as filling the tree. That is an expression used inside the beltway—inside the Senate Chamber—for action taken by the majority leader to establish a procedural situation where no Senator can offer any other amendment.

The long tradition of the Senate has been it is an institution that encourages, harbors, fosters open debate, the presentation of issues, the discussion of matters, to bring not only in this limited Chamber, or beyond on C-SPAN2, if anybody is watching, but to the entire country.

That is what distinguished the Senate from the House of Representatives, for example. In the House, they have what is called a rule, and Members may offer amendments only in a very limited, circumscribed way and then in a limited period of time. But under Senate rules, any Senator may offer virtually any amendment virtually at almost any time on any subject and speak in an unlimited way, as long as he retains the floor.

Last week, the Senate took up legislation of great importance on global

warming. There are many complex issues involved in that subject. We started off with legislation which had been offered by Senator LIEBERMAN and Senator WARNER that had been modified by Senator BOXER, the chairperson of the Environment and Public Works Committee, and there were many other proposals in the wings waiting to be considered. One of those proposals was legislation prepared by Senator BINGAMAN and myself, the Bingaman-Specter bill.

In the consideration of global warming, there were many complex matters. I don't intend to go through all of them now, but illustrative of that is the issue of technology. Is the technology adequate to accommodate the goals and standards of Lieberman-Warner? What would be the economic impact on the provisions of global warming in terms of encouraging foreign countries to ship to the United States on exclusions where they might not have the same limitations?

For example, in the steel industry. On that particular subject, I testified before the Finance Committee last February 14 about the need for the United States to be a leader on global warming, but at the same time not to sacrifice our industry to foreign goods, and noted that the Chinese wanted a 30-year exemption. If they had gotten that, there would not be any steel industry. But there were many issues.

I came to the Senate floor a week ago today to speak on the subject on June 2. And then I returned to speak again on June 3. Then, by Wednesday, June 4, I found out that we were on our way to having the tree filled. Actually, I spoke on June 2, 3, and June 5 and found when there was no opportunity to offer amendments, I filed four amendments.

I bring up that matter because then there was a cloture motion on Friday. A cloture motion requires 60 votes. If we are going to do it on a Friday, it is extremely difficult to find enough Senators to have an adequate showing as to what it means.

In any event, the cloture motion vote was held, and the cloture motion fell far short. The majority leader took the bill down, and now we are no longer considering the question of global warming. That is a matter which, in my judgment, warrants very considerable time by the Senate. I don't know whether it is 2 weeks or 3 weeks or how many weeks it is, but I know it is a lot more than 4 days. And now it is gone.

Regrettably, it is not just global warming which is involved. Not long ago, we have had the issue of the so-called Ledbetter Fair Pay Act, S. 1843, legislation which would change the statute of limitations on enforcing employment rights for equal pay. This bill was introduced because the Supreme Court of the United States, in a 5-to-4 decision, enforced a 6-month statute of limitations on a woman who wanted to claim her Federal rights to equal pay.

It seemed to me the decision of the Supreme Court of the United States

was wrong. The plaintiff was being foreclosed an opportunity to go to court to get equal pay when she didn't even know she had the cause of action or the right to do that.

This issue then was the subject of a cloture motion. The motion to proceed failed on cloture 56 to 42. The bill was given no process. There was no committee referral, no debate, no opportunity for amendments, just talking points for Democrats, an illustration where cloture was filed.

The tradition of the Senate has always been to have legislation offered, to have it debated. If there is objection, people oppose it. If people are very determined not to allow it to come to a vote without a supermajority—that is, getting 60 votes for cloture—then they filibuster. But in the course of that process, there is an awakening of the American people about what is going on.

A good illustration would be the historic civil rights debates which went on in this Chamber for very protracted periods of time. But the American people hardly have any idea about what is involved in equal pay for women when the matter is called to the Senate floor and in a virtual nanosecond is dispensed with.

Had the Ledbetter Fair Pay Act received extensive debate, had there been opposition, had there been discussion, had there been some idea by the American people about what was going on, there could have been some public opinion registered on that as a very important matter.

The great difficulty is this is not a machination of the current majority leader. This is a practice which has been building up for a considerable period of time and, as with the case of so many matters, it is a matter of equal blame on both sides of the aisle, both Republicans and Democrats.

In a survey by CRS, going back to 1985, it was used infrequently. Senator Dole used it five times in 1985 and 1986; Senator BYRD, three times in 1987 and 1988. Senator Mitchell did not use it at all in 1989 and 1990. Then in 1991 and 1992, Senator Mitchell used it one time. Then in 1993 and 1994, Senator Mitchell used it nine times. In 1995 and 1996, Senator Dole and Senator Lott used it five times. In 1997 and 1998, Senator Lott used it three times. In 1999 and 2000, Senator Lott used it nine times. Senator Daschle then used it once in the next 2 years. The following 2 years, 2003 and 2004, Senator Frist used it three times. Then in 2005 and 2006, Senator Frist used it nine times. And in the 110th Congress, so far, Senator REID has used it 12 times. Every time that it is used, it totally undercuts the ability of the Senate to function in its traditional way.

Senator REID had this to say about this practice when he was not the majority leader but when he was the leader of the minority, the leader of the Democrats back on February 28, 2006. He was speaking in defense of a fellow

Democrat's ability to offer amendments to the PATRIOT Act reauthorization. Senator REID of Nevada said this:

Of course, even a good bill can be improved. That is why we have an amendment process in the Senate. I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

Senator REID goes on:

This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but rule XXII should rarely be invoked before any amendments have been offered . . . I will vote against cloture to register my objection to this flawed process.

Senator REID made similar comments a short time later on March 2, 2006, saying:

Don't fill the tree . . . That is a bad way, in my opinion, to run this Senate.

Senator DURBIN, speaking on May 11, 2006, on the 2005 tax reconciliation conference report said:

The Republican majority brings a bill to the Senate, fills the tree so no amendments can be offered, and then files cloture which stops debate. So we cannot have this conversation. We cannot offer other amendments.

I cite Senator REID and Senator DURBIN with particularity because they are the two leaders of the Democrats at the present time.

An eloquent statement on this subject was made by Senator DODD on May 11, 2006. Senator DODD had this to say when he was speaking about health care legislation:

I want to point out to our colleagues why I am terribly disappointed with the procedures we have been confronted with this evening dealing with this legislation . . . This is the Senate. This Chamber historically is the place where debate occurs. To have a process here this evening . . . to basically lock out any amendments that might be offered to this proposal runs contrary to the very essence of this body . . . if you believe the Senate ought to be heard on a variety of issues relating to the subject matter—when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be . . . the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter.

I could go on at considerable length with other Senators making the same point. But here we have issues of gigantic importance which are not being considered. They are not being debated. They are not being explained. They are not being subject to questioning on the Senate floor, one Senator on another.

The educational process of telling America what the alternatives and prospects are for legislative change is not being explored. Not surprisingly, it is bipartisan. About the only thing that is bipartisan around this place is various mechanisms to gain political advantage.

We have had furious debates over the issue of confirmation of judges, a subject on which I have spoken repeatedly

and have noted that in the past 20 years, every time the Senate is controlled by a party opposite the President, there is a slowdown of the confirmation process. It happened during the last 2 years of President Reagan's administration in 1987 and 1988 when Democrats won control of the Senate in the 1986 election. It happened in the last 2 years of the administration of President George H.W. Bush, and during the administration of President Clinton where we Republicans controlled the Senate for the last 6 years, it was exacerbated. It was even worse in blocking President Clinton's nominations.

As I have said on this floor on occasion, I voted with the Democrats. I thought the Republican caucus was wrong and said so. But each time it has been exacerbated and become more intense.

Then this body saw a very sharp debate in 2005 where there was the consideration of the so-called nuclear or constitutional option, which would have changed the filibuster rule from 60 to 51. Now we are, again, in a period of gridlock. There is no doubt that the very low public opinion ratings of us are due to the public realization, the public disgust about all the bickering that goes on here. The public sees it on many items, the partisanship and the effort at a partisan advantage. But I do believe the public does not have an understanding of these arcane rules, like filling the tree. They can hardly have an understanding since most Members of this body don't understand exactly how it works.

Mr. President, this is not a matter that comes to me this afternoon or yesterday or the day before. I have been watching it for a considerable period of time, and 18 months ago, on February 15, 2007, I introduced S. Res. 83, a resolution to amend the Standing Rules of the Senate to prohibit filling the amendment tree. So far there has not been a hearing and not been any action on that, but I intend to press this issue. I intend to try to bring some understanding to the American people beyond the confines of this Chamber.

I don't think I am going to have a whole lot of effect on my colleagues this afternoon because there are none of my colleagues here this afternoon, except for the—no, no, I know the distinguished Senator from Maryland is here—except for the distinguished Presiding Officer. And I compliment my colleague, Senator BEN CARDIN, on his fast start in the Senate. Of course, he had a lot of advanced training having come from the House of Representatives and been a leader in the Maryland Legislature. I work with him on the Judiciary Committee, and he is a first-class Senator. That extract can be used—let's see, you ran in 2006—you can use it in 2012, 2018, 2024, and 2030, Senator CARDIN, but beyond 2030, I am reserving my judgment.

But Senators are busy, and I am not in any way critical of Senators not

being here, but I intend to speak on the subject repetitively. I don't know that will do any good, but I intend to do that.

For years, Senator Proxmire used to stand at his seat on the aisle speaking about genocide. Every day he came to the Senate floor, and he was motivated because there was no television at the time he was speaking about genocide. I think television came while he was still speaking on the subject. Senator Proxmire was a remarkable Senator in many ways. My recollection is that he had 17,000 votes, which he didn't miss. I am not sure about the exact statistic, but I am sure he spoke extensively on genocide, and he had an impact. And now we know that genocide has been picked up as a crime against humanity and has been the subject of prosecutions under the War Crimes Tribunal.

So I intend to speak about this subject with some frequency, and I intend to press for a hearing on my resolution. I intend to press to see if we can get some action because if the American people knew what was going on, the American people would not like it. The American people live under the illusion that we have a United States Senate. The facts show that the Senate is realistically dysfunctional. It is on life support, perhaps even moribund. The only facet of Senate bipartisanship is the conspiracy of successive Republican and Democratic leaders to employ this procedural device known as filling the tree. It is known that way to insiders, and it is incomprehensible to outsiders.

Once known as a unique legislative institution, the Senate was referred to as the world's greatest deliberative body because any Senator could introduce almost any amendment on virtually any subject and get a vote on it. That was, as noted, the distinguishing feature from the House of Representatives, which is tightly controlled by the Rules Committee to restrict the parameters on what amendments are in order.

A principal reason, perhaps the main reason for the use of the procedural device of filling the tree, was to save the majority from taking tough votes. That backfired on Republicans in the last Congress, where the filling the tree rule was used in order to avoid bad votes. And, of course, we know the procedure backfired pretty hard for Republicans to lose control of the Senate. In the 2006 election we had to lose seven seats, a virtual impossibility, but we managed to do it.

But more important than the partisanship, more important than the increased use by both Democratic and Republican majority leaders is the impact it has on this institution. And more important than that is the impact it has on the legislative process and the working through legislation, which ought to be considered and, where warranted, enacted for the benefit of the American people.

Mr. President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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.

AMERICAN ENERGY POLICY

Mr. SESSIONS. Mr. President, the American people are very frustrated with the failure of Congress to act on the great problems facing our country, a lot of problems, but I believe they are especially concerned about surging gasoline and energy prices. They are angry. They do not believe we have done enough in this Congress, and I think when they find out the leadership of this Congress, the Democratic leadership, is proposing legislation that will raise, not lower gas prices, they will not be happy.

Indeed, I received a note today from my staff that an experienced reporter at the Birmingham News, Mr. Tom Gordon, today wrote that my home county in Alabama, Wilcox County, again leads the Nation in the percentage of income that its citizens spend monthly on motor fuel, 16 percent, because the county has low incomes and people drive long distances to work.

It is a big deal. It is absolutely a real matter of importance. I think we need to do something about it. They want us to reduce our dependence on foreign oil, to produce more clean American energy, to show we are taking steps to contain and I think maybe even hopefully reduce the surging prices.

These prices are threatening the family budget. They are threatening American jobs and the American economy. Turn on any news program and read any news magazine. We are on track to spend \$500 billion abroad this year to purchase 60 percent of the oil we consume; 60 percent-plus is being imported. This balance-of-trade deficit weakens our dollar, requiring even more dollars to purchase the same amount of oil. With the dollar getting weaker, you need more dollars to buy the same amount of oil. We are creating jobs and wealth in nations around the world with our money when this missing wealth in our country that we send abroad reduces our own jobs.

Families are routinely paying \$50, \$75, \$100 more a month for the same or even less gasoline than they were a few years ago. When this added expense reduces the ability of hard-working middle-class Americans to purchase what they need to get by on, or to take care of their families, and when this reduction in spending on oil reduces spending on things other than oil that the American people need, is it any wonder the economy is struggling, I ask? Is it

any wonder millions of American are struggling to get by? Is it any wonder Americans from the suites in New York to the rural roads of Alabama are worried?

What is it our constituents are asking us to do? I think they want us to get busy doing what we know works. What works does not mean this \$6.7 trillion cap-and-trade plan that has been introduced here that will burden the American economy by driving up the cost of gasoline by another 50 cents in the next number of years, 20 years; driving up the cost of electricity by 44 percent; driving up the price of gasoline three times that 50 cents in the years to come in the distant future; and drive business away from America.

It will make our manufacturing industry less competitive than the global marketplace at a time when we are already struggling to compete and stay up. As I have noted, it will drive up unemployment, and we unfortunately saw a very large surge in unemployment last week, to 5.5 percent.

First, it is not a horrible rate of unemployment, but a horrible increase in unemployment of five-tenths of 1 percent. As one economist said, I would not have been surprised to see 6 percent unemployment over the next 12 months. I did not expect to see half of that occur in 1 month.

People know we have a problem and they understand it. I guess the question is, is there anything we can do about it or are we hopeless? Is there something we can do to bring down the price of oil and make more sense in our economy to confront the danger that high energy prices, gasoline prices pose to America's well being?

Yes, there is. There is. Fundamentally we need to do what works, and we know a lot of things work. It is past time to get started in taking the long road back to a sound energy policy that can and will bring down or at least contain the price of crude oil and gasoline.

I propose that we work together on common ground, liberals, conservatives, Republicans, and Democrats. It is within our grasp and the people are ready for our leadership. We have an opportunity to address our Nation's crisis. The challenge is truly bipartisan in every way. After all, high energy prices affect Democrats, Republicans, and Independents all in the same way. While conservation and increasing the production of American oil and gas in an environmentally sound way can help contain the surge in prices, we need to do that. We must seek common ground further to develop and deploy technological breakthroughs necessary to solve our Nation's energy crisis.

We must commit ourselves as a nation to the production of clean and affordable energy sources. We must commit to policies that will move us beyond oil in a financially and prudent way. Only by championing national interests over any special interests will we be able to secure the common inter-

ests and lower energy prices and have a cleaner environment, both of which I believe are possible.

But we are far behind. Business-as-usual policies crafted to benefit favored constituents are no way to develop sound energy solutions to our Nation's needs. That is why I am proposing legislation to direct the Department of Energy, which I think can do more and should do more, to evaluate the host of national incentives we have now on the books to create alternative sources of energy, some of which have worked well, and to recommend changes based on what is in the national interest.

The national interest is to utilize those incentives to the maximum amount possible to create the most amount of clean American energy. Frankly, there is too much in some areas and not enough in other areas. We need to utilize incentives to jump-start industries that can help build a source of clean American energy. For example, we did succeed in creating an ethanol industry through a very sizable incentive. That has worked. We have drawn it down some now. The Agriculture bill that passed the Senate reduced some of those incentives. Perhaps they should have been reduced more since it has been such a healthy enterprise. That money could have been applied to other areas and other aspects of alternative energy that could jump-start those sources.

Congress also suffers too often from a short-term focus on the pressing issues of the day. Too often, we fail to adequately plan for the future needs of the country. That is why I propose that the Department of Energy develop a comprehensive, long-term energy strategy to anticipate unforeseen needs and to promote continued development of innovative energy sources. In order to achieve these goals, the Department would have to report its recommendations to Congress frequently.

I am not ashamed to say that I have a lot of issues on my plate. I am on the Armed Services Committee, the Judiciary Committee, and the Energy Committee. The Department of Energy has a huge staff, a large number of personnel. They spend all their time every day working on energy issues. We should have leadership from them. They should tell us what is working and what is not. They should help Congress set good policy. They could do more in that regard. They should not be timid about it. They should help us, step forward, make some proposals, and be more aggressive.

There are many things we can do now to lower the price of gasoline and promote clean American energy. Indeed, progress will be made by a thousand steps, large and small, but they must be smart steps. They don't need to be steps that cost far more than they will ever return in terms of energy per cost. They don't need to be political pork.

In 2005, Congress directed the Department of Interior to study the oil re-

serves in the Outer Continental Shelf. That is the deep waters off our coast, not right on the beaches. The study found that 8.5 billion barrels of oil are currently known to exist off our Nation's shores. In addition, the study estimated that approximately 86 billion barrels of oil exist in these waters. We spend maybe \$5 billion a year on oil. That includes the 60 percent we import. The U.S. Geological Survey and private industry also estimate that approximately 25 billion barrels of oil exist on shore in the lower 48 States and Alaska. This totals approximately 119 billion barrels of oil alone and would be enough to power millions of automobiles for a century—not every automobile in the country for a century, but it would carry us a long way until we continue to work hard to have those breakthroughs that get us off oil maybe completely. The sooner the better for me.

These are not the only reserves known to exist from studies. These are reserves estimated from studies made 30 years ago. Further exploration and modern seismographic work will certainly locate far more reserves.

The question fundamentally is, to the American people and my colleagues, do we import more and more of our oil and gas from places that produce it in the North Sea and the Persian Gulf and the Caspian Sea off the coast of Africa and South America or do we produce it safely off our own shores, where the money stays at home, where we are not sending \$500 billion of American citizens' money to people who build palaces in the desert with nothing more than basically money they have taxed us with? The price of oil today is set in large part because OPEC has reduced production, creating a shortage in the whole world. That is the fundamental problem. There are a lot of others, but that is the fundamental problem. We need to fight back. The way we fight back is to keep more of our money at home and send it less to these countries. How simple is that? But the policies we are having here go the opposite direction. They are not allowing us to produce more oil and gas in America, safely and cleanly.

We have and can move forward a lot of other sources of oil. One could be oil from oil shale. Some estimate those reserves to be approximately 1.8 trillion barrels of oil—a lifetime of oil in oil shale. There are a lot of things that have to happen to make that be produced. We have to be sure it is done in an environmental way. But we have major corporations that are willing to spend billions of dollars to see if they can produce it in that fashion. We blocked them from doing that last year. When I say "we," I didn't agree to it, but the Congress slipped that in in conference committee and basically blocked that in the dead of night without any hearings to discuss the merits.

For example, Saudi Arabia, which has the largest amount of oil known in

the world, has only approximately 267 billion barrels of oil, whereas we have 1,800 billion barrels of oil in oil shale. It is primarily located in the West in governmental lands.

What about coal? We are the Saudi Arabia of coal. We have 25 percent of the world's coal reserves, which is enough to last approximately 250 years at the current rate. Surely long before then, we will have developed alternatives to carbon fuels. Converting this tremendous resource into liquid transportation fuel using proven technology can bring down the price of gasoline. It really can.

At this very moment, private companies are prepared to convert coal to liquid fuel and sell it to the Air Force for aircraft, sequestering the carbon so it is not emitted into the atmosphere, at approximately \$85 a barrel. That is \$40 less than the world market price of oil today, which is over \$130 a barrel. They are prepared to do that. Somebody slipped in language to block that from occurring, so the Air Force now is in limbo as to whether they can enter into a long-term contract necessary to guarantee domestic sources of clean fuel made from American coal, all the money staying in the United States, helping enhance our national security. We need to repeal that provision. We need to let the Air Force go ahead with this. It would mean tremendous opportunity to affirm the Air Force's initiative and to verify as a practical matter whether this large amount of fuel can be converted from coal. The way they do it, they heat the coal, and off comes the gas, and then you can reconvert that back to a liquid. It comes out cleaner, just spotless clean. It cleans the engine instead of making it dirty. It is a fabulous fuel.

Diesel fuel—let me share this with you. These are some things we can do and get busy now, that we should already have done. Diesel fuel is more efficient than other fuels. According to Popular Mechanics magazine—recently they did a comparison; I can't guarantee everything they said because the numbers are pretty astounding, but in a sense it is good news—the next generation already in existence of clean diesel engines runs approximately 38 percent further on a gallon of fuel than a similar size automobile that is a hybrid automobile. The magazine found that a 2007 Volkswagen Polo Bluemotion diesel automobile travels 38 percent farther on a gallon of fuel than a 2007 Toyota Prius hybrid.

We know for a fact that diesel gets 30, 35, 40 percent better mileage than a gasoline engine. In fact, Europe has 50 percent of its automobiles diesel. Why? Because it gets better gas mileage. We have gone the exact opposite direction. We only have 3 percent of our fleet diesel. Why are we not creating policies that will help Americans move to more fuel-efficient diesel engines and do something about this odd circumstance when diesel fuel is now considerably more expensive? It is about 15 percent

more expensive, but it gets at least 30 percent better mileage. It is still a buy, even at the prices at the pump today for diesel. In addition to being fuel efficient, diesel-powered vehicles release fewer CO₂ emissions than similar hybrids or gasoline engines; CO₂, the global warming gas, less of that from a diesel engine. It is so much cleaner today than people's memory of smoky diesels in the past. It is an entirely new engine, an entirely new procedure.

According to the Popular Mechanics field test, the Volkswagen model tested by the magazine emitted 5 percent fewer greenhouse gases per mile than a Toyota Prius. I was able to drive a Prius the week before last around Alabama. It was very impressive. Why are we not thinking about diesel as we seek to clean up our air and reduce our importing of foreign oil? Diesel engines today run on ultra-low sulfur diesel that is 97 percent cleaner than older diesel fuel. It is the cleanest fuel in the world. It is cleaner than the European fuel—the Europeans are environmentally conscious—and our own regulations require that.

New diesel technology, the Mercedes BlueTec engine—I visited their Alabama facility last week—reduces carbon monoxide, nitrogen oxide, and particulates.

According to the EPA, if 33 percent of American drivers switched to diesel vehicles, oil consumption would be reduced by approximately 1.5 million barrels of oil a day, which would cut our imports 10 percent. They say if you drill in ANWR in Alaska, an area the size of the State of South Carolina—and they would like to explore for oil and gas in an area the size of Dulles Airport—if it comes in and it is only a little over a million barrels a day, that is about 10 percent of our import amount. So if we had more diesel and production in Alaska, that would reduce our imports 20 percent.

Already Americans are conserving more. They have reduced consumption at least 5 percent this year. So now we are down 25 percent. That is the kind of thing we can do that will make a difference in the price of oil and help make this a stronger country.

Now, ethanol represents a viable alternative energy source, I am convinced. According to the Congressional Research Service, 6.5 billion gallons of ethanol were produced in the United States last year. This amounts to approximately \$19.5 billion—let me be sure I get this correct because my mind is probably like some of my colleagues. That is 6.5 billion gallons as opposed to barrels I was talking about earlier. Mr. President, 6.5 billion gallons of ethanol were produced in the United States last year. It amounts to approximately \$19.5 billion that stayed in our country to create American jobs and pay good wages here. It did not go to buy oil from some foreign country so that the wealth goes there.

It is estimated that we are on track to produce 9 billion gallons of ethanol

this year. So we go from 6.5 billion to 9 billion gallons this year. We are soon reaching the maximum production, I think, for most ethanol that comes from corn, which most of this does. But that has been helpful to us, I submit to you. So this would result in approximately \$36 billion that will be invested in America, paying wages to American citizens, who pay taxes to our cities and counties, for schools, and to the Federal Government. We want them to have good jobs with good wages.

According to Renewable Fuels Association, the price of gasoline would rise approximately 31 percent if ethanol was eliminated. Is that right? That is an advocacy group for renewable fuels, but this week Barron's Magazine had an analysis and quoted figures similar to that and noted that consumers were saving several hundred dollars a year as a result of ethanol. Whether it is a great benefit to us in net reduction of CO₂, we do not know. Originally, the environmentalists certainly believed so and advocated it. Some now question that. Regardless, as an economic matter and as a matter of national security, it has reduced our dependence on foreign oil, kept wealth at home, and helped protect our national security and create jobs.

But there are limits on ethanol, so that is why we need to seek technological breakthroughs that will allow us to produce cellulosic ethanol on a commercial scale. Cellulosic fuel can be produced from sources that do not place strains on other end users.

There is tremendous potential in our country to utilize waste wood from sawmills, paper companies, waste wood that is left in the forest from when the timber is cut and hurricane recovery. I talked to a FEMA hurricane emergency response official today about the potential of utilizing cellulose that is downed and thrown away in landfills after a hurricane, where thousands and millions of trees are blown down, to create energy. I think it is a realistic possibility. Every city and county in the country is constantly hauling out large amounts of wood and trees from their city. It cannot be utilized effectively for lumber or other uses. Instead of going to landfills, this could create energy. I think there is a great potential here.

Auburn University has spent a lot of time on switchgrass, another cellulosic form. They will be bringing up, June 19, to Washington their gasification unit that is portable. It is the size of a tractor-trailer rig. You put wood chips in one end, the wood is heated, a gas comes off, and that gas is converted to a liquid fuel. It is proven it can be done. This is not impossible. What we need to do is accelerate the science to prove whether it can be commercially feasible. I think it can be. I am proud of Auburn. They have won a national award for that. They are No. 1 in the country in that area of research, according to the U.S. Department of Agriculture.

The next is the plug-in hybrid technology, which holds exceedingly great potential. By utilizing and improving current battery technology, plug-in hybrids will be able to travel farther using less gasoline—perhaps dramatically less gasoline—than conventional hybrids or any other kind of automobile. In addition to greatly displacing imported oil, plug-in hybrids can reduce the amount of pollutants and greenhouse gases in the air by relying on clean nuclear energy to recharge their batteries.

Let's just talk about this briefly. We will talk a little more about nuclear energy. But if you have a commute each day of 10 or 15 miles and you can create a battery that will run 30 miles without any hybrid engine having to be turned on to charge and recharge the battery, a person could commute back and forth to work every day if that car would only run 30 miles. When they come home at night, they can plug it in and recharge the battery from the power socket. And particularly charging it from 11 p.m. to 5 a.m., it will use base load power, often not even being fully utilized. If the power source is nuclear power, it emits no pollutants into the atmosphere whatsoever, and that will completely eliminate the need to utilize any oil or gasoline in the car. Now, that is close to being reality.

Certainly, we will produce more wind and solar power. We support those energy sources. The Congress has provided incentives for that. Few would dispute that large increases in clean American base load electricity in large amounts is essential, and we cannot get there by conservation only because a number of things happen. No. 1 is that our population is going up. By 2050, we will have a substantial increase in the American population. So even if every American used less, the Nation is projected, by every expert I am aware of, to utilize more energy. Another thing that happens: You may well develop new lightbulbs, which I hope every American will utilize and turn off lightbulbs when they are not using them, but we have other things that come up. For example, how many of our people want to give up plasma TVs? They use a lot more electricity than the old kind. And computers. When we projected the increase in the cost of the utilization of electricity in the 1970s and early 1980s, we did not expect the size of the computer revolution and the amount of energy that would add. So there is always something out there. That is all I am suggesting. It is just not smart for us to project in a way that is contrary to the experts that we are going to utilize less electricity.

So after much study—and I have spent a good bit of study on this—it is clear to me that nuclear-generated electricity is the serious solution for a clean energy future and an alternative to a future filled with ever-increasing regulations and more regulators and more lobbyists and more political

fight such as this cap-and-trade bill—all of which produce no energy but drain our American economy. Nuclear power is American based. It is a proven technology. It helps enhance our national security. It is competitive cost-wise. It is not outrageously expensive like some of the ideas that are being floated. It emits no pollutants into the air, neither NO_x nor SO_x nor mercury nor particulates. And it 100 percent meets our global warming goals, which is to reduce CO₂, carbon dioxide—zero, zilch.

Twenty percent of our electricity today is nuclear, and we have not built a plant in 30 years. France produces 80 percent of its power from nuclear power, and Japan is over 50 percent. They are heavily committed to nuclear power, and it is paying off for them. Britain just announced five new nuclear plants. So we are running behind.

But the good news is that after the Energy bill Senator DOMENICI worked so hard on and the legislation he offered, 30 new applications for nuclear powerplants have been submitted. That is 30—up from zero just a couple years ago. But we must strive to ensure this nuclear renaissance continues and completes.

There is this tremendous possibility that base load nuclear power, particularly in the night, offpeak time, could be utilized to charge automobile batteries so we could run our automobiles without any fossil fuel being burned. Nuclear power is the one energy source that could create large amounts of hydrogen, the hydrogen necessary if we are to develop effectively fuel cell hydrogen automobiles that also favor a clean concept. Both of these are postoil, postcarbon energy sources that can power our automobiles, which is where our crisis is today.

Renewable energy sources also have an important role to play. According to the Department of Energy, renewable energy provided approximately 9 percent of the total U.S. electricity generation in 2005. While this is not large, there is significant room for growth. Wind energy has led this growth, increasing from approximately 3,500 megawatts in 2001 to almost 17,000 megawatts today. Solar power has also increased, although cost and storage remain serious issues. Geothermal energy has not expanded as rapidly as wind has, but it has potential. According to MIT, the United States has approximately 100,000 megawatts of enhanced geothermal capacity which can be developed by 2050.

A few weeks ago, this Senate voted on a plan that would have taken the first steps to produce many of these untapped energy resources by allowing more energy exploration off our coasts and in Alaska. But we do need to move beyond petroleum-based transportation fuels. We need to do some other steps, such as enhancing the batteries for electric cars, as this bill would have done, which could have allowed us to move to plug-in hybrids. I think that is

within our grasp right now, and it would help clean up our environment.

Mr. President, I see the majority leader on the floor. I will just conclude by noting that with prices at record highs, I think the American people can be excused for wondering what their Congress is doing. They expect us to get busy—to get busy now—to produce more clean American energy. That will be the only thing that is going to help reduce our dependence on foreign oil and our ability to be hijacked by prices driven up by OPEC nations that are restricting supply.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I extend my appreciation to my friend from Alabama for giving up the floor.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. President, this is a consent request to have a vote on three district court judges tomorrow.

I ask unanimous consent that on Tuesday, June 10, after the cloture vote or votes with respect to S. 3044 and H.R. 6049, regardless of the outcome, and notwithstanding rule XXII, the Senate then proceed to executive session to consider concurrently Calendar Nos. 539, 540, and 541; that there be a total of 10 minutes equally divided and controlled between Senator LEAHY and Senator SPECTER; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of each nomination in the order listed above; that there be 2 minutes between each vote, and after the first vote, the vote time be limited to 10 minutes each; that upon confirmation, the motions to reconsider be laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session, without further intervening action or debate, and the Senate then stand in recess until 2:15 p.m. for the respective party conference meetings.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3036

Mr. REID. Mr. President, I now ask unanimous consent that S. 3036 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. There is objection. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Connecticut.

Mr. DODD. Mr. President, may I inquire, has my colleague from Alabama completed his remarks? You have?

Mr. SESSIONS. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

HOUSING CRISIS

Mr. DODD. Mr. President, I rise this afternoon to take a few minutes to share with our colleagues the current condition of the housing situation and the steps being taken by the Senate Banking, Housing, and Urban Affairs Committee—the steps we have taken in recent days and what I hope we can continue to do in the coming days over the next week or so, depending upon the agenda the leadership will set for us: our hope is to bring forth one more proposal that will complete the circle of the steps we can take as public policy setters in the area of dealing with the heart of the economic crisis, which is the housing crisis. The heart of the housing crisis is, of course, the foreclosure crisis. So this report I share with my colleagues is both a positive one—which includes the steps we are taking together to address the problem—as well as, unfortunately, a rather negative one in terms of the actual statistics and numbers that people are living with every day.

When we talk about these numbers and statistics, they actually reflect what is going on in the lives of very real people in our country who are struggling economically to make ends meet. Home ownership and the value of homes is at the heart of not only the American family dream but also at the heart of their economic success in many ways. So as I have done regularly over the past several months, I wish to share with my colleagues some of the problems we are facing in our economy and some of the steps we are taking to address them.

Three weeks ago, with overwhelming bipartisan support, we were able to pass out of the Banking Committee the Hope for Homeowners Act and legislation to reform the Government-sponsored enterprises—the so-called GSEs. These measures will help reduce foreclosures, strengthening the housing market and ultimately helping to restore our economy to healthy growth. We also added as part of that legislation an affordable housing program which will exist in perpetuity; not a short-term, 4- or 5-year program but one that will be around for years to come to assist those who are in desperate need of adequate and decent shelter, including rental housing.

The committee work in these major areas follows the work that the Senate accomplished earlier this spring when we passed the Foreclosure Prevention Act. That legislation contains several very important provisions to help homeowners, neighborhoods, and communities throughout our Nation. The legislation included \$4 billion for communities to use through the Community Development Block Grant Program to purchase and rehabilitate foreclosed properties in their communities. The act also included \$150 million in additional foreclosure prevention counseling, on top of the dollars we had already appropriated earlier, to assist in that area. Counseling, I would add, is a

proven and very effective program that has helped struggling homeowners avoid the devastating effects of losing their homes. Finally, the act includes legislation that would modernize the Federal Housing Administration so the FHA can play an enhanced role in allowing hard-working American families to pursue and achieve the dream of home ownership through a suitable and sustainable mortgage.

I am continuing to work with our colleagues and the ranking member, Senator SHELBY of Alabama, along with other members of the committee—both Democrats and Republicans—and the Senate to enact comprehensive legislation that includes these and other provisions. These Members include Senators BAUCUS and GRASSLEY, the chairman and ranking member respectively of the Senate Finance Committee, who have contributed very important tax provisions to the Foreclosure Prevention Act.

There is no question in my mind that the almost daily information we are receiving on the performance of our economy should continue to spur action on the part of this Congress. Our economy has been limping along for the last 6 months, with growth well under 1 percent. If you take away the growth in Government and the buildup of inventories that occurs when the economy enters a recession, our economy grew by three-tenths of 1 percent in the first quarter of this year. In other words, our economy is at best stagnant, and in the view of many economists and others, we are actually in a recession.

Last week we learned that the unemployment rate in April rose by one-half of a percentage point in 1 month. That is the largest monthly increase at that rate in 22 years. We have lost thousands of jobs each and every month this year so far, according to the Bureau of Labor Statistics. This year, our economy has lost just under 400,000 private sector jobs, and most economists expect they will continue to lose jobs as the economy struggles. That is why I think it is critically important that we ought to provide for extended unemployment insurance benefits for those who have lost their jobs through no fault of their own as part of our response to the economic challenges we are facing. Certainly if we weren't able to do this, it would be the first time in my experience in this body for a quarter of a century that we didn't extend unemployment insurance benefits to people who have lost their jobs during periods of economic hardship. That has never happened before in my tenure here, and it is my serious hope that we will provide those extended benefits to those who deserve them.

The data we are looking at, as sad as it is, also confirms that the housing market continues to be mired in a deep recession as well. Residential construction fell by over 30 percent in the first quarter of this year. Sales of existing homes fell by 13 percent over last year.

Now, let me quickly add some new data today for April that indicates sales may have finally picked up slightly, and we welcome that news. Most analysts, however, believe this uptick, if you will, in homes sales occurred only because home prices have continued to fall over the last several months. Regardless of that uptick, the number of new homes that remains unsold continues to rise, reaching the highest number in over a quarter of a century. Joining this growing number of new homes sitting vacant on the market unsold are homes where the previous owner has been foreclosed.

Foreclosures have hit a new all-time record. According to the Mortgage Bankers Association—the MBA—this data shows that almost 1 in every 11 homes with a mortgage in our country is in default or in foreclosure as of March of this year. That is the highest level since the MBA began tracking foreclosures in 1979. Foreclosure rates have been growing at record levels for some time, and last year alone 1.5 million of our fellow families in this country had their homes enter into a foreclosure.

Each and every day, over more than 8,100 families enter foreclosure. Every single day, 8,100 families on average enter foreclosure. The projections are that foreclosure rates will remain at historic highs for the foreseeable future. The investment bank Credit Suisse just released a report in which they predict that 6.5 million homes will fall into foreclosure over the next 5 years. They state:

The coming flood of new foreclosures could put 8.4 percent of total homeowners, or 12.7 percent of homeowners with mortgages, out of their homes.

The scenario they are describing is one in which one out of eight American families with a mortgage could lose their homes. That is a chilling prediction.

Robert Schiller, the widely respected economist from Yale University who helped invent the so-called Case-Schiller Index that is used throughout the country and the markets to measure the change in home values, gave a speech recently in New Haven, CT where he said there is a good chance that housing prices will fall further, perhaps by as much as 30 percent since their peak in the late part of 2006. If that were to happen, it would mean the decline in home prices would be greater now than it was during the Great Depression back in the 1920s and 1930s of the previous century.

These are indeed historic times with historic challenges. Already we have seen home prices decline nationally for the first time since the Great Depression. For the first time since the Federal Reserve began keeping track of home equity in the 1940s, Americans today own less than half the value in their homes.

The effect this is having on our economy cannot be overstated. Martin Feldstein, who served as President

Reagan's chief economist, recently wrote in the *Wall Street Journal*:

The 10 percent decline in home prices has cut household wealth by more than \$2 trillion, reducing consumer spending and increasing the risk of a deep recession.

That means American families have lost more than \$2 trillion of wealth. Losses of that magnitude are staggering. That is almost 20 percent of our Nation's GDP. Put another way, a national loss of wealth of \$2 trillion means a typical family of four would have lost over \$25,000 of wealth due to the current housing market crisis. This sharp loss in wealth for the average American homeowner comes at a time when they face record high prices for essentials of American life: Food, gasoline prices—as we have heard about today the cost of gas has been increasing every day—health care, and the cost of higher education. So the so-called foreclosure crisis is affecting far more than only those facing foreclosure. It is affecting nearly all of us in every imaginable way. As one home falls into foreclosure, the value of countless other homes in those neighborhoods is falling as well. If Dr. Schiller's predictions come to bear and home prices fall by 30 percent nationally, then the loss to American families will exceed \$6 trillion. That is more than half of our Nation's annual GDP. It would mean the typical family of four would have lost approximately \$80,000 of wealth. That is more than most American families earn in an entire year.

The nationwide implications of this crisis help explain why consumer sentiment is at historic lows. Americans' expectations for future economic growth are at the lowest level in 35 years since the deep recession of the early 1970s.

These negative views about our economic prospects are based on the real experiences of most Americans. The Pew Center conducted a recent survey of Americans' views not only on the economy as a whole but on their personal well-being. The *Washington Post* characterized the Pew Center's finding as:

Offering the gloomiest assessment of economic well-being in close to half a century, a new survey has found that most Americans say they have not made progress over the past 5 years as their incomes have stagnated and they have increasingly borrowed money to finance their lifestyles.

By almost any measure, Americans are struggling more and more than they have at any time in recent memory. Real median family income has fallen this decade as the cost of gasoline, health care, and college tuition, have risen at levels far outstripping any increases in paychecks. To keep pace with these rising costs, Americans have turned to borrowing from credit cards and their homes. But now, as the crisis in our capital markets begins to threaten sources of liquidity for people, such as mortgages, student loans, and other types of lending, the American

economy is in a precarious place, to put it mildly. That is why we need new policies and new action to prevent this recession from becoming more severe, and to lay the foundation for our recovery.

The Federal Reserve is engaged in a series of interest rate cuts as they continue to aggressively use monetary policy to try and deal with the recession we are facing. But the Fed is running out of pages in its playbook to address the growing crisis of credit and confidence that has taken hold of our financial markets and threatens to undermine our Nation's economy. Until we more thoroughly address the core issue behind this recession—namely, the problems in the housing market and the foreclosure crisis—we are unlikely, in my opinion, to put our economy back on the right track. Fed Chairman Ben Bernanke understands the seriousness of this problem. In a recent speech on the subject of foreclosures, he said:

High rates of delinquency in foreclosure can have substantial spillover effects on the housing market, the financial markets and the broader economy. Therefore, doing what we can to avoid preventable foreclosures is not just in the interest of lenders and borrowers. It's in everybody's interest.

I pledge to continue to work every day—as I know my colleagues on the Senate Banking Committee will, as well as those in the House Financial Services Committee under the leadership of Congressman BARNEY FRANK and as I am confident all of us in this Chamber will—to do everything we can to address these issues from the perspective of what we can do as part of the national legislature. That is why I am pleased to say that through these efforts, what we have brought to the floor of the Senate over the last several weeks has enjoyed broad-based bipartisan support. We will now be coming back again in the coming days. The leader of our Chamber, Senator REID, has committed that we will get to this as soon as we possibly can, given the crowded agenda he has to deal with. But we cannot, in my view, allow this Congress to continue to move forward in the coming days without addressing the remainder of these issues.

I cannot promise absolutely that everything we have offered is going to change the world dramatically. But there is one thing I hope it does do and that is restore confidence in the American families, whom the Members of this Congress serve, both Democrats and Republicans, are doing everything in their power to try and prevent foreclosures, restore confidence in the marketplace, and make it possible for the American dream of home ownership not to become the nightmare it has for far too many fellow citizens. It is at the core of everything else we are grappling with. We have seen the problem spill over into credit cards, financial services, commercial lending, student loans, and at the heart of all of this is the foreclosure problem.

That is what every single responsible economist, regardless of political ideology, has concluded. They have said there are steps we can take to make a difference—those steps we have created in a legislative manner to bring to this body. Our hope is we will enjoy the kind of broad-based support we have had in our committee. Anybody who has watched this body knows that when you get a 19-to-2 vote in committee on a matter such of this, you get some indication of the willingness of members to work together to make a difference. Senator SHELBY and I and the other members of the committee will continue to do that. We hope to put on the President's desk by July 4 this comprehensive financial services Banking Committee proposal, dealing with FHA, dealing with the government-sponsored enterprises, dealing with affordable housing, dealing with counseling, dealing with the community development block grant program, as well as tax ideas that we think could help, and the Hope for Homeowners Act, which is critical to try to put the brakes on this foreclosure problem.

I wished to take some time this afternoon to share with my colleagues that this problem grows more serious. It is growing more troublesome, spreading beyond our national borders, in terms of what the subprime market and the purchase of those mortgage-backed securities has done to the markets, not only in this country, but abroad as well.

This is our major responsibility, in my view and I think we have a commitment to address it. Senator SHELBY and I have worked very well together over the past number of weeks to try to fashion this legislative proposal.

I commend BARNEY FRANK, my friend from Massachusetts, who is chairman of the Financial Services Committee in the other body, and other Members for the job they are doing together as well. I hope that in the remaining days, before the July break—hopefully sooner than that—we will be able to present to our colleagues a final proposal bringing together these ideas for their consideration and support as we do our part to try to make a difference in getting this economy and the confidence of the American people back on track.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE ECONOMY

Mrs. MURRAY. Madam President, I rise this evening amid new and very pressing concerns about the future of our economy. Today, millions of Americans are struggling to keep their homes. The price of just about everything, from gas, college, health care,

you name it, is on the rise, and families from coast to coast are wondering how they are going to make ends meet.

Just last week, we saw new and shocking statistics illustrating this crisis. With the price of the American Dream going up, working families seem to be facing new challenges every day. Last week, it was a new report from the Department of Labor. They told us the overall unemployment rate rose from 5 percent to 5.5 percent in May, up from 4.5 percent just 1 year ago. That is 861,000 new unemployed people in 1 month, bringing the total to 8½ million people unemployed in America today in May. Today, there is even more bad news. Gas has, for the first time, hit an average of \$4 a gallon.

Madam President, the American people are hurting. While job creation and wage levels are dropping, prices are going up. Everything costs more, but families don't have enough money to spend. The bottom line is the American Dream is slipping through the fingers of too many Americans, and we have to do something about it.

Now, this evening I want to talk specifically about oil and gas prices because this week the Senate is going to have an opportunity to take a step in the right direction and put consumers first. Tomorrow morning, we are going to vote on a Democratic bill that seeks to address the root causes of these high gas prices because we are committed to putting consumers first and to fixing the root causes of high gas prices so these solutions have a real lasting effect.

We want to force big oil to pay its fair share and invest in clean and affordable alternative energy sources. We want to protect consumers from price gougers who rip off Americans and greedy oil traders who manipulate this market. We want to stand up to OPEC and countries colluding to set high oil prices. These basic, commonsense steps will attack the root causes of high gas prices, but they are only the beginning.

Step 2 has to include a long-term strategy to decrease our dependence on oil and promote clean renewable energy. That is why later this week we are going to propose billions of dollars in tax breaks to promote those new energy sources. Our plan seeks to address the high price of gas at the pump now, but it will also help to ensure that energy is affordable for years to come.

With gas prices on the rise, there has been a lot of finger-pointing in recent weeks, but you don't have to look very hard to see who is to blame and who is benefiting from these skyrocketing prices. While our working families have been scrimping, the economic downturn hasn't even registered for big oil. The major oil companies reported record increases in profits last quarter. ConocoPhillips recorded first quarter profits of \$4.1 billion, beating their previous record by \$600 million, with Shell and BP also reporting huge gains.

The reason is that over the last 7½ years, Republicans have backed an en-

ergy policy that does little but give oil companies tax breaks and special favors while our middle-class families pay the price. In the first month of the Bush administration, oil prices averaged \$29.50 a barrel. Now, almost 8 years later, the price has more than quadrupled. It is over \$130 a barrel this week and pushing toward \$140 a barrel. When President Bush first took office, Americans were paying \$1.46 a gallon to fill their tanks, and this week gas prices are averaging a whopping \$4 a gallon. We have gone from \$1.46 to over \$4 a gallon in this Bush administration.

What is most disturbing to me and to American families all across the country is how fast these gas prices are rising. Six weeks ago, I came on the floor of the Senate and spoke on the same subject, saying a lot of the same things, and at the same time I was saying how shocking it was to see the national average at \$3.60 a gallon. But in just a few weeks prices have gone up another 40 cents a gallon. I am a little scared to do the math and see what increase that is going to translate into by the Fourth of July, just a few weeks away or, even worse, Labor Day. Instead, I think it is time we come together for action in the Senate.

I mentioned the national averages already, but in my home State of Washington and the home State of the Presiding Officer, drivers are paying even more. The average cost of a gallon of gas in Washington State is now \$4.22. Yesterday, in my State, I paid \$4.29 a gallon. Right now, AAA is saying that gas costs \$4.22 in my State. That is the average. That is 44 cents higher than just a month ago, 95 cents higher than a year ago, and 20 cents higher than the national average. And our truckers are being hit really hard. AAA found the average price of a gallon of diesel is \$4.89 a gallon in my home State. That is 40 cents higher than a month ago and \$1.84 higher than just a year ago.

When I travel around Washington State, gas prices are the first thing people talk to me about, and they have written me countless letters asking for help. Everyone asks what we are going to do about this matter. While they are cutting back their budgets in my home State, they do not see any action in Washington, DC. And I have told them time and again that Democrats want to act, but we need help to do that from our Republican colleagues. They will have a chance to help us do that tomorrow.

But I am concerned that Republicans are more interested, from what I am hearing, in just blocking our progress and whatever we want to do here than actually taking any meaningful action for the people who are hurting so badly at home today. In fact, for the past several days, we have already seen, from what I have heard, a parade of Republican Senators out on the floor complaining about high gas prices, and in many cases blaming Democrats for failing to address this crisis over the past 16 months. They are bringing out

their charts and showing the price of gas when Democrats took over Congress and what the price is now, and they ask us all to simply forget the real reason for this crisis—the misguided energy policy that this administration has pursued for years.

But I don't think the American people are going to forget that. They are not going to forget it was this administration that asked oil and gas companies to write their energy plan. The American people aren't going to forget the only real idea coming from the other side is to drill our way out of the problem. And they are not going to forget that this is an administration closer to the oil and gas industry than any in our history. We are not going to forget either, and that is why we are fighting for change. We have already won higher fuel economy standards and new investments in renewable energy sources, but we know we need to do more because Americans know that we cannot rely—we cannot rely—on big oil to solve our energy problems.

Madam President, the energy policy isn't the only area where Republicans have put special interests ahead of our American families. For 7½ years, President Bush and the Republicans in Congress have chosen to stand by while our highways are crumbling, hundreds of thousands of our veterans go homeless every night, and millions of our families struggle to keep a roof over their heads. In the last year, our new Democratic majority has had to fight Republicans and the administration for resources to address everything from veterans health care to the foreclosure crisis our families are facing. I think the legacy of this administration is going to be nothing but red ink and broken promises.

People in my home State of Washington are very worried about the future. They want to be sure their children will have economic security. They want a solution to our energy problems that are going to keep us safe and protect our environment for the long run. And the same is true, I know, across the country. Americans are hurting because of these high gas prices. It doesn't matter whether they are Republican or Democrat, they want help.

I know Republicans and oil companies are not going to give up on the status quo easily here. But Democrats on our side have been fighting for policies that will help us cut those prices, create jobs, and keep our air and water clean and, most importantly, our Nation secure.

We are committed to taking strong action that will stop rewarding these oil companies and start looking out for our American families. We are going to keep up that fight. If my Republican colleagues want their constituents to have help, if they want to take action that will stop this pain at the pump, the solution is very simple: Vote yes with us tomorrow morning so we can move to a bill that will begin to solve this problem.

(Mr. SANDERS assumes the Chair.)

RUNNING IT OUT

Mr. SPECTER. Mr. President, a unique event occurred in a Philadelphia Phillies baseball game last week. The Philadelphia Phillies' shortstop, named Jimmy Rollins, who was the most valuable player in the league last year, hit a looping ball into left field—which was an easy ball to catch—and instead of running it out, he ran at a very leisurely pace down the first baseline. The left fielder on the defensive team moved in and, in a very unusual play, dropped the ball. Instead of Rollins getting to second base, he was left at first base.

The Phillies' manager, Charles Manuel, then immediately benched Jimmy Rollins, the most valuable player in the league. He put him right on the bench because he did not run it out. That took a lot of guts, and manager Charles Manuel has been complimented on that, and I renew the compliment here today. But it is a great lesson, in my opinion, about the way baseball players ought to act and Senators ought to act and everybody ought to act. We all ought to so-called run it out, with that kind of intensity.

I am an avid squash player, and one of the maxims I have developed over the years is that I am never too far ahead to lose and never too far behind to win. The game is always in play, if you run it out. I think it has some applicability to all facets of life in things that all people do, in terms of the intensity of their activity. And I think we need a lot more of that attitude in the Senate and a sense of urgency to deal with the people's business.

This relates directly to the presentation I made a few moments ago on going back to the rules of the Senate on open debate, open amendment offering, and not filling the tree. But it is a great lesson to have that rule stamped indelibly of "running it out." So I congratulate Charlie Manuel. He took out a key player, whose absence could have been decisive even in that game because of Rollins' hitting and fielding ability.

But I think it is a great message and a great symbol for all of us to "run it out."

HONORING OUR ARMED FORCES

CORPORAL CHRISTIAN SCOTT COTNER

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to honor the memory of Marine Cpl Christian Scott Cotner of Waterbury, CT, who died last week while serving our Nation in Iraq. He was 20 years old.

On May 30, 2008, Corporal Cotner's life was tragically cut short as he served his first tour of duty with the Marines in Al-Anbar Province, Iraq. His heroic service is remembered today by a grateful nation.

Friends and loved ones remember Corporal Cotner for his positive atti-

tude, his great sense of humor and his pride in serving the country he loved. It was while in high school, where he volunteered to serve in the honor guards and the ROTC, that Corporal Cotner decided to serve his country, and shortly after graduating he joined the Marines.

All of us in the State of Connecticut and across the United States owe a deep and solemn debt of gratitude to Christian Cotner and to his family and friends for his tremendous service to our country. On behalf of the Senate, I offer my deepest condolences to Christian's parents Graham and Karen and to everyone who knew and loved him.

ADDITIONAL STATEMENTS

HONORING HARP COTE

• Mr. BAUCUS. Mr. President, I have had the privilege of calling Mr. John "Harp" Cote of Butte, MT, my friend for nearly 40 years.

In 1973 when I was running for my first congressional seat, not a whole lot of folks knew me from Adam and the only people I was sure would vote for me were my parents. But everywhere I went I heard the same thing: "Go see Harp." So I went.

Harp took his time sizing me up during that first meeting, and I remember vividly the moment when he said those magic words, "I'm with you." I know his support made all the difference. I owe my first political break to Harp Cote, and I don't know if anything I've accomplished since then would have happened if he hadn't been in my corner from the start.

Harp is a pillar in Montana politics and a great American. He's a model citizen and a model father and grandfather. He and his wife, Esther raised 8 children and have 14 grandchildren. From his many successful business ventures to his leadership roles in just about every charitable organization in town—Butte, and indeed Montana, is a better place because of Harp Cote.

Mark Twain once said "I have found out that there ain't no surer way to find out whether you like people or hate them than to travel with them." Well, a couple of years ago, I lead a delegation of Montanans, including Harp, to China and India to see what we could do to create more good-paying jobs and open doors for Montana businesses. After 10 days I can tell you, there is no one I like more than Harp. His familiar smile and easy personality made the trip a great success. And I'm proud of the doors we opened while we were there.

In April, I asked Harp to join me in Washington, DC, to hear Irish Prime Minister Bertie Ahern address a Joint Meeting of Congress. Each Member of Congress was allowed to bring one guest, and I invited Harp because of his unwavering dedication to Montana.

As a Butte native and proud Irish American, Harp's attendance has al-

lowed him to further the Mining city's deep seeded Irish connections and heritage.

Like most folks in Butte, Harp has Irish blood in his veins, but he is a Montanan through and through. He is dedicated, hard working and one heck of a sportsman. His optimism, resilience and pure grit define Montanans and embody the western spirit.

I am lucky to have him by my side as we work to do what is right for Montana, making sure Big Sky country remains the Last Best Place to live, work and raise a family.

In 2006, Harp was on hand to welcome Irish President Mary McAleese to Butte. McAleese was the first Irish leader to visit the Mining city since 1919. During the visit, McAleese told a crowd: "You can be assured that Butte matters to us as much as Ireland matters to Butte."

I would like to echo President McAleese's sentiment.

Harp Cote can be assured that he means as much to Butte, and to Montana, as Montana and Butte mean to him.

As for myself, I know when it's all said and done and I look back on my career and my friends, one thing will be certain—one of the greatest honors of my life is the privilege of calling Harp Cote my friend.●

TRIBUTE TO ARTHUR J. SCHUT

• Mr. GRASSLEY. Mr. President, I am pleased to recognize the service that Arthur (Art) J. Schut has provided to so many in my home State of Iowa. Art is an Iowan that has dedicated over 30 years of himself to the disenfranchised of our communities. He has worked tirelessly on a local, State, and national level to provide care, counseling, and education for families, the public, and lawmakers to minimize the negative stigma and to secure funding and resources for those with addiction and mental health issues.

Art began his distinguished career nearly 40 years ago as a program director for the Des Moines Metropolitan YMCA working with youth gangs. Since that time, Art has served in a variety of roles working on behalf of those who suffer from the scourge of addiction and other mental illness. Art has served as a member of the University of Iowa faculty and as a clinical and treatment director. During this period in Art's life, he supervised several drug treatment and education programs throughout southeast Iowa, and he provided vital education for future substance abuse professionals through his position with the University of Iowa.

Art will soon be leaving the position that he has dutifully served in for 25 years as President and CEO of the Mid-Eastern Council on Chemical Abuse, MECCA. Throughout his service as the President of MECCA, Art has overseen the administration of operations and programs in three regions throughout

Iowa. These operations include outpatient offices in 16 counties, a prevention unit, employee assistance program for regional businesses and industries, a residential treatment program, and a detoxification unit.

Sadly, Art will soon be leaving the great State of Iowa, but he will be continuing the good fight against addiction and abuse. Barbara and I want to extend our gratitude for all the years of service and for the positive impact on all the lives Art has had throughout his remarkable career. We wish Art all the best in his future endeavors.●

125TH ANNIVERSARY OF THE FOUNDING OF TULARE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Tulare, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Tulare for all they have accomplished.

Tulare is located in northeast South Dakota, within Spink County on Highway 281. Originally plotted by Charles Prior in 1883, the town quickly grew as an important railroad supply station. There is some disagreement about the naming of Tulare, which tends to follow three different stories. The first story tells that when riding the train to Tulare, Mr. Prior encountered two men entertaining the passengers with tall tales. He was so amused by the time he reached his destination, he decided to call the town site "Tulare" after the "two liars." The second story claims the town was named after the "Tulle" weed that grows in the swamps, and the third story names the city after a Native America chief.

Today, Tulare has come a long way from its days as a railroad supply center. The town now boasts a variety of businesses, including those in both the service and manufacturing sectors. Coupling with those parts of the economy are the rich natural resources including the plentiful pheasant population which further aids in the prosperity of this community. The town also continues their long tradition of high standards in education that began here with the first 4-year high school and continues to thrive as the Hitchcock-Tulare School District.

Tulare has become a credit to Spink County and the State of South Dakota. The people of Tulare will celebrate their achievements June 20–22, 2008, with a basketball tournament, parade, car and quilt show, and street dance. I am proud to join with the community members of Tulare in celebrating the last 125 years and look forward to a promising future.●

125TH ANNIVERSARY OF CANOVA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I recognize the community of Canova,

SD, on reaching the 125th anniversary of its founding. Canova is a rural community located in Miner County, and will be celebrating its quasiquicquennial the weekend of July 4–6.

The combination of the Homestead Act of 1862, the opening of Government lands, and the influx of railroads through the State all added greatly to the development of Canova in the 19th century. L.W. Aldrich and H.W. Eddy, both from Watertown, NY, bought the land around Canova, while F.D. Woodbury registered Canova as a town in 1883.

The town of Canova was built on the pillars of farming, faith, and baseball, boasting 8 State titles and 11 runner-up finishes. These activities serve to bring this close-knit community even closer together. While the school has since closed, it did bring about the birth of the Canova Alumni and the promotion of community health with the CARE Center.

Most South Dakotans call small towns like Canova home. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Canova and its citizens are no different and truly know what it means to be South Dakotan. Even 125 years after its founding, Canova continues to be a vibrant addition to our wonderful State, and I once again congratulate them on this achievement.●

125TH ANNIVERSARY OF THE FOUNDING OF WILLOW LAKE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Willow Lake, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Willow Lake for all they have accomplished.

Willow Lake, located in Clark County, was originally plotted on the northeast corner of the lake in 1883. When the Manitoba Railroad was surveyed to come about 2 miles south of the city, the decision was made to move the town to its present location. Willow Lake grew with the evolution of the Manitoba Railroad to the Great Northern in 1890. A tornado and several fires swept through the town during the turn of the 20th century, destroying most of the primarily wooden structures. Shortly thereafter, the town fathers mandated that all Main Street buildings were to be made of brick to withstand the elements of eastern South Dakota.

Today, Willow Lake has come a long way from the days of railroad commerce. The town now boasts a variety of businesses in both the service and manufacturing sectors, including a grain elevator, multiple construction

companies, and a K–12 public school. The people of Willow Lake will celebrate their achievements July 4–6, 2008, with a rodeo, car show, fireworks display, and parade as well as an all school reunion which, as reported by Paul Harvey, is held each and every year.

Willow Lake is a credit to Clark County and to the State of South Dakota. I am proud to join with the community members of Willow Lake in celebrating the last 125 years, and looking forward to a promising future.●

CONGRATULATING THE SNACKS 4 EDUCATION TEAM

● Mr. LUGAR. Mr. President, I am pleased to join the friends and families of four remarkable young Hoosiers in congratulating their team's success in the eCybermission science, math, and technology competition for sixth through ninth graders sponsored by the U.S. Army.

Having won the ninth grade Northwest Regional Competition, the Fort Wayne-based "Snacks 4 Education" team of Allie Dembar, Andrew Reichle, Amelia Roebuck, and Darcy Whitney will now face three other teams in the National Competition to be held in Washington, DC, on June 24. These four students have shown considerable insight and leadership in the execution of their project promoting proper school-time nutrition. The team is led by adviser, Larry Lesh.

Each member should be proud of their accomplishments. I am especially grateful for their advocacy and the effort these young leaders have put forth to demonstrate the benefits of proper nutrition and healthy snacks on classroom education.

I hope you will join me in offering congratulations to all the participants in this year's eCybermission competition and best wishes to the many finalists.

I ask to have the following statement further detailing the "Snacks 4 Education" project printed in the RECORD.

The material follows.

(By the members of Snacks 4 Education)

In American schools today, many students arrive ill-prepared to learn at their full potential. There are a multitude of reasons for this, including not getting enough rest, not eating a nourishing breakfast, and not coming from a home that values education. As a result, these students in particular, and probably all students, have a time during the school day when they experience a low energy point. Our team of four students, after noticing the same problem in our own schools, hypothesized that having a healthy snack at or near this low energy time would help students to be more alert, more energetic, and better able to concentrate.

For our project, the team experimented in eleven classrooms in four schools, covering each grade from one through six. The experiments were run during three separate time periods. The team first had to determine the low energy time of the class. This was accomplished by asking the students through a questionnaire, or by allowing the teacher to make the decision, or by a combination of these two methods. In two of the experiments, snacks approved by the Fort Wayne

Community Schools' Nutrition Services were given each day at the low energy time. Then for two weeks, snacks were not given. In one case, the experiment ran for eight weeks, having two weeks with snacks, then two weeks without, then two with, and finishing with two weeks without.

In each experimental snack week, dry snacks were given on Monday, Wednesday, and Friday. Fruit snacks were given on Tuesday and Thursday. The dry snacks were packages of teddy grahams, pretzels, and animal crackers. Fruit snacks varied and included small packages of sliced apples, grapes, or oranges. The dry snack servings all contained around 125 calories and were determined to be of healthy content by a registered dietitian.

Questionnaires were given to the students on each Friday of the experimental weeks. On the final week evaluation, two extra questions were asked. The first question asked whether the students did better in their schoolwork during the weeks they had a snack each day. The second question asked how they felt after having a daily snack. In grade 1, 84 percent thought they did better on their schoolwork, and 70 percent said they felt better after having a snack. In grade 2, the results were 60 percent and 70 percent. In grade 3, 84 percent and 70 percent. In grade 4, 88 percent and 78 percent. In grade 5, 84 percent and 86 percent. In grade 6, 86 percent and 91 percent.

For overall results from all eleven classrooms in all six grades, the actual number of answers were used instead of averaging percents, as not the same number of students participated in each grade. Overall, 81 percent of the students said that while they were having snacks they thought they did better on their schoolwork and 82% said they felt better after having a snack.

Following our research, we were involved in discussions with the Indiana Parent Teacher Association, which passed a resolution urging its members to support the concept of healthy snacks in schools. That resolution will be considered at the national PTA convention next year.●

TRIBUTE TO BRYAN JOHNSTON

● Mr. SMITH. Mr. President, former Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community, and it is my responsibility to make it better.'"

Today I pay tribute to Bryan Johnston, a true Oregon hero, who devoted much of his life and career to making Oregon and our State capital city of Salem a better place in which to live, work, and raise a family.

Like countless others in Oregon, I was shocked and saddened to learn that Bryan passed away last week at the far too early age of 59 years. Bryan's passing deprives my State of one of her most respected, admired and effective public servants; it deprives St. Martin's University in Lacey, WA, of a gifted leader, as Bryan was scheduled to begin his service of president of that university on July 1; it deprives many in Oregon, including myself, of a trusted friend and advisor; and it deprives his wife Anne and their four children of a loving and dedicated husband and father.

During his years in Salem, Bryan served in a remarkable number of

roles, including: lawyer; professional mediator; Law professor; director of the Center for Dispute Resolution at Willamette University College of Law; dean of the Willamette University Atkinson Graduate School of Management; interim president of Willamette University; Oregon State Representative; and interim director of the Oregon Department of Human Services Children, Adults and Families Division. As the Salem Statesman-Journal so aptly put it, "Bryan Johnston was Mr. Fix—it for colleges, for state government, and for the Salem-area community."

The tributes that have been pouring in since Bryan's passing speak volumes of the impact this gentle and gifted visionary made in so many ways.

Salem business and community leader Dick Withnell said: "He was so wise. He could grasp a tough situation and see what should be done and then be collaborative with people to accomplish it. That's a real gift."

State Senate President Peter Courtney said: "Bryan was a great mediator and facilitator. He was a very, very versatile individual in the area of education and public service. Those are maybe two of the highest callings you can aspire to, if you're chosen; and he was chosen time and again."

Department of Human Services Director Bruce Goldberg stated: "Bryan was a trusted advisor and friend, who brought wisdom, humor, and kindness into all of our lives."

Perhaps the best tribute to Bryan was paid by my friend John Watt, who served with Bryan in the Oregon State House of Representatives. Said John: "One of the things that has always stuck with me about Bryan is that he truly was doing the work for Oregon. I mean, he wasn't somebody who was after kudos for himself. He didn't necessarily walk lockstep with his caucus. He was always willing to talk and work with people."

Bryan Johnston talked and worked with people, and because of that, he leaves behind a remarkable legacy of accomplishment and service. Indeed, I am reminded of the words of Mother Teresa, who said: "God does not call us to be successful. God calls us to be faithful."

By any account, Bryan Johnston led a successful life. But I know that more important to him was the fact that he led a faithful life. He was a faithful educator, legislator and public official. He was a faithful husband, and friend. He was a faithful servant of God. May God bless Bryan Johnston.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON JUNE 6, 2008—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2008.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

GEORGE W. BUSH.
THE WHITE HOUSE, June 6, 2008.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

Pursuant to the order of June 4, 2008, the enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3102. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. DURBIN):

S. Con. Res. 87. A concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 411

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit.

S. 507

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife

services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 712

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 712, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a co-

sponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2862

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2862, a bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Missouri (Mr. BOND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3092

At the request of Mr. MENENDEZ, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 3092, a bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes.

S. 3098

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Idaho (Mr. CRAPO), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Mississippi (Mr. WICKER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. CON. RES. 86

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 86, a concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species.

S. RES. 575

At the request of Mr. STEVENS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 575, a resolution expressing the support of the Senate for veteran entrepreneurs.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3102. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, with Senator JOHN KERRY, to introduce the Small Business Information Security Act of 2008. Not only is this a bipartisan bill in the United States Senate, but it is also a bicameral bill. Congressmen MANZULLO and MICHAUD are also introducing companion legislation in the U.S. House of Representatives. This bill would establish within the Small Business Administration, SBA, a Small Business Infor-

mation Security Task Force to advise the SBA and help small businesses both understand the unique information security challenges they face, and identify resources to help meet those challenges.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my goals is to ensure small businesses are protected from the mounting information security threats they face every day. This legislation will create a clearinghouse of information, resources, and tools—compiled by a task force consisting of public and private sector experts in the field—that will ease the complexity, confusion, and cost often associated with enhancing information security measures within a small business. The task force will continually update information and resources as new technologies and threats arise.

Currently, small business owners turn to the SBA for resources regarding a number of aspects, but information security resources remain largely unavailable within the agency. This legislation will present an opportunity for the SBA to develop and create a repository of data to help small business owners meet their information security needs. This legislation will enable industry experts to come together and immediately provide meaningful strategies to enable small businesses to safeguard their customer's personal information.

Computer networks are increasingly susceptible to hackers, intruders, and other cyber criminals. In fact, in my home state of Maine, the retail supermarket chain, Hannaford Bros., was recently affected by an intrusion into their computer system which led to the exposure of 4.2 million credit and debit card numbers. What many people do not realize is that a breach like Hannaford's impacts not only the millions of customers whose personal data was compromised, but it also has serious downstream impact on our Nation's small businesses. For example, throughout Maine there are many small banks; these banks are responsible for protecting and alerting their depositors upon fraudulent activity. Following the Hannaford breach, many small banks had to replace their customers' credit and debit cards, clearly a costly enterprise that diverts resources from more productive activities, such as small business lending. The bill we are introducing today will help ameliorate this problem.

Unfortunately, these attacks are becoming more frequent and more severe, and the perpetrators are becoming harder to identify and bring to justice. According to a survey by the Small Business Technology Institute, more than half of all small businesses in the U.S. experienced a security breach in the last year. Furthermore, the study concludes that nearly one-fifth of small businesses do not use virus-scanning for e-mail, over 60 percent do not protect their wireless networks with

encryption, and two-thirds of small businesses do not have an information security plan.

As these statistics illustrate, small businesses are increasingly at risk of data breaches and other forms of malicious attacks on their information technology infrastructure. Cyber attacks launched by a small group of people can devastate America financially, it is conceivable that a few individuals working together could disable millions of computers at a cost of hundreds of millions to the U.S. economy. Cyber-criminals can hold hostage not just a few individuals, but millions of small businesses. This legislation provides best practices to help small business owners decrease the risk cyber attacks pose to their customers.

The information security threat posed to our Nation's small businesses is serious, and our efforts to prevent and reduce this risk carry a tremendous sense of urgency. We must continue to focus on ways we can protect small businesses, and their customers, from the serious consequences of cyber crimes. In order to take an important first step, I encourage all of my colleagues to support this critical legislation, and I hope we can see this commonsense legislation enacted into law as expeditiously as possible.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Information Security Act of 2008".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "task force" means the task force established under section 3(a).

SEC. 3. INFORMATION SECURITY TASK FORCE.

(a) ESTABLISHMENT.—The Administrator shall establish a task force, to be known as the Small Business Information Security Task Force, to address the information technology security needs of small business concerns.

(b) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(c) **INTERNET WEBSITE RECOMMENDATIONS.**—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (b)(1)(A) and the programs and services identified under subsection (b)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(d) **EDUCATION PROGRAMS.**—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (b)(1)(A).

(e) **EXISTING MATERIALS.**—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (b)(1)(A) and the programs and services identified under subsection (b)(1)(B).

(f) **COORDINATION WITH PUBLIC AND PRIVATE SECTOR.**—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(g) **CHAIR AND VICE-CHAIR.**—The task force shall have—

(1) a Chair, appointed by the Administrator; and

(2) a Vice-Chair, appointed by the Administrator, in consultation with appropriate non-governmental organizations, entities, or persons.

(h) **MEMBERS.**—

(1) **CHAIR AND VICE-CHAIR.**—The Chair and the Vice-Chair shall serve as members of the task force.

(2) **ADDITIONAL MEMBERS.**—

(A) **IN GENERAL.**—The task force shall have additional members, each of whom shall be

appointed by the Chair, with the approval of the Administrator.

(B) **NUMBER OF MEMBERS.**—The number of additional members shall be determined by the Chair, in consultation with the Administrator, except that—

(i) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(ii) the number of additional members shall not exceed 13.

(3) **GROUPS REPRESENTED.**—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(i) **MEETINGS.**—

(1) **FREQUENCY.**—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) **QUORUM.**—A majority of the members of the task force shall constitute a quorum.

(3) **LOCATION.**—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) **MINUTES.**—

(A) **IN GENERAL.**—Not later than 90 days after each meeting, the task force shall publish the minutes of the meeting and shall submit to Administrator any findings or recommendations approved at the meeting.

(B) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) **FINDINGS.**—

(A) **IN GENERAL.**—Not later than the date that the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the date that the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—Each member of the task force shall serve without pay for their service on the task force.

(2) **TRAVEL EXPENSES.**—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) **DETAIL OF SBA EMPLOYEES.**—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out its duties. Such a detail shall be

without interruption or loss of civil status or privilege.

(4) **SBA SUPPORT OF THE TASK FORCE.**—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chair jointly determine to be necessary for the task force to carry out its duties.

(k) **NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) **STARTUP DEADLINES.**—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2012.

(2) **EXCEPTION.**—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$200,000 for each of fiscal years 2009 through 2012.

By Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station; to the Committee on Foreign Relations.

Mr. BIDEN. Today Senator LUGAR and I introduce, by request, the International Space Station Payments Act of 2008. This measure would enable the National Aeronautics and Space Administration to continue payments to Russia related to the International Space Station after 2011.

As with any legislation proposed by request, we introduce this bill for the purpose of placing the Executive branch's proposals before Congress and the public without expressing our own views on the substance of the proposals. As chairman and ranking member of the Committee on Foreign Relations, we intend to give the administration's requested legislation careful review and consideration.

The Administrator of NASA, Michael Griffin, has submitted this legislation to the committee, along with a section-by-section analysis that helps to explain why NASA wants this legislation and what they believe it will achieve. Mr. President, I ask unanimous consent that a letter of support and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, April 11, 2008.

Hon. JOSEPH R. BIDEN,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Aeronautics and Space Administration (NASA) proposes the enclosed amendment to the Iran, North Korea, and Syria Nonproliferation Act (50 USC 1701 note). The purpose of the amendment is to permit NASA to continue to procure Russian support for the International Space Station (ISS) until suitable U.S. capabilities are in place. We urge enactment of this important amendment.

The amendment provides a balanced approach, maintaining both U.S. nonproliferation principles and objectives as well as a U.S. presence on ISS. The justification and purpose for this proposed amendment are stated more fully in the enclosed sectional analysis. As an overview, NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. However, U.S. obligations to provide crew transportation and emergency services to the ISS continue beyond 2011, and Soyuz will be the only viable option for the United States to meet these obligations until the U.S. Orion Crew Exploration Vehicle or U.S. commercial providers can provide such transportation and rescue services. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch, according to the responsible Russian entities. Thus, unless contractual arrangements for the provision of crew rescue and rotation services beyond 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transportation requirements will be at risk. This, in turn, means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

The Office of Management and Budget advises that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

MICHAEL D. GRIFFIN,
Administrator.

AMENDMENT TO THE IRAN, NORTH KOREA, AND
SYRIA NONPROLIFERATION ACT
SECTIONAL ANALYSIS

The Administration remains committed to the important objective of persuading the Russian Government and Russian entities to improve their nonproliferation efforts regarding Iran, North Korea, and Syria. Accordingly, the proposed amendment to the Iran, North Korea, and Syria Nonproliferation Act (the Act) would maintain key existing U.S. nonproliferation tools while allowing payments to Russian entities that support U.S. obligations to the International Space Station (ISS) beyond December 31, 2011.

The provision would extend the Act's exception to the prohibition on "extraordinary payments" to the Russian government and Russian entities for goods or services relating to the ISS from January 1, 2012 to the end of the life of the ISS. It would exclude from the exception any payments after December 31, 2011 for cargo services provided by a Progress vehicle. The new provision would also exclude from the exception payments for crew transportation or rescue services provided by a Soyuz vehicle once (1) the U.S. Orion Crew Exploration Vehicle reaches Full Operational Capability or (2) a U.S. commercial provider of crew transportation and rescue services demonstrates the capability to meet ISS mission requirements.

An international partnership governed by an Intergovernmental Agreement (IGA)

among the United States, Canada, multiple European States, Japan and Russia established the ISS. This partnership is a long-standing and interdependent one, with roles and responsibilities outlined in the IGA and subordinate agreements for design, development and operations of the program. Pursuant to the IGA and subordinate agreements, NASA has an obligation to its non-Russian ISS Partners to provide crew rotation and rescue services during the life of the ISS. Currently, the Russian vehicle Soyuz is the sole provider of rescue services, with the Space Shuttle providing crew transportation. After Shuttle retirement, the partnership will be dependent on Russia to provide both crew transportation and rescue services with Soyuz until the U.S. Orion Crew Exploration Vehicle (CEV) achieves Full Operational Capability (currently projected for 2016) and can provide crew transportation and rescue services, or a U.S. commercial provider can demonstrate the capability to provide crew transportation and rescue services to meet ISS mission needs.

NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch based upon information provided by the Russian entities responsible for manufacturing these vehicles. Thus, unless contractual arrangements for rescue and crew rotation services after 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transfer and rescue will be at risk. This in turn means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

Absent the proposed relief, the United States will be unable to meet one of its most critical partner obligations: providing crew transportation and rescue services to European, Japanese and Canadian crews. The United States would not have an American "presence" aboard the ISS, either in terms of astronauts or access to research facilities for the U.S. scientific community, if we could not purchase crew transportation and rescue services from Russia, as no non-Russian crew transfer vehicles will be available until the CEV reaches full operational capability or a U.S. commercial provider demonstrates the capability to meet ISS crew transportation and rescue needs. Given NASA's operational, engineering, safety and other responsibilities for the ISS, NASA is concerned whether the ISS could remain fully operational for any significant time period absent an American presence.

Moreover, the authority under the present exception to the Act has been used to obtain ancillary goods and services from Russia in addition to crew transport and rescue. For example, although purchased from Russia, the Zarya module is legally a U.S. element under the Space Station agreements and NASA must purchase unique tools and engineering support, such as sustaining software, from Russia for the continued operation of the module. NASA will have a continuing requirement to procure certain goods and services where Russia offers unique capabilities, such as those related to Russian space suits, software and hardware engineering support, and Extravehicular Activity tools and training, which are required for effective operations onboard the ISS. This amendment will allow NASA to continue to purchase such goods and services that are necessary to meet U.S. responsibilities under the Space Station Agreements.

In addition, this limited relief being requested (i.e., through the life of the ISS) may be necessary even after a U.S. commercial capability is available, because some potential U.S. commercial providers of cargo

services and of crew transportation and rescue services have Russian contractors or other relationships with Russian entities that, without this amendment, could trigger the Act's "extraordinary payment" prohibition.

With respect to furthering the United States' nonproliferation objectives and tools, in addition to the positive incentive provided by prudent, closely monitored space cooperation in areas of great benefit to the United States, the proposed amendment would not affect the current nonproliferation framework. The first five sections of the Act establish a requirement to report to Congress on every foreign person that transfers controlled items to, or acquires controlled items from, Iran, Syria or North Korea and authorizes sanctions against such foreign persons. These key reporting and sanctions provisions would not be affected by the proposed amendment. In addition, the amendment leaves in place the ban on any United States government agency making extraordinary payments in connection with the ISS or other human space flight to any persons (including entities) subject to sanctions under the Act or the Proliferation of Weapons of Mass Destruction Executive Order (E.O. 12938, as amended by E.O. 13094) or if the U.S. government agency (in consultation with other interested U.S. government agencies) anticipates that such payments will be passed on to such persons. Finally, specific proposals for cooperation with Russia would continue to be subject to review under relevant mechanisms such as the State Department's Circular 175 process for interagency review of international agreements. Likewise, export and import licensing regulations would ensure that U.S. nonproliferation objectives are maintained.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 87—CONGRATULATING THE REPUBLIC OF LATVIA ON THE 90TH ANNIVERSARY OF ITS DECLARATION OF INDEPENDENCE

Mr. SMITH (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 87

Whereas, on November 18, 1918, in the City of Riga, the members of the People's Council proclaimed Latvia a free, democratic, and sovereign nation;

Whereas, on July 24, 1922, the United States formally recognized Latvia as an independent and sovereign nation;

Whereas Latvia existed for 21 years as an independent and sovereign nation and a fully recognized member of the League of Nations;

Whereas Latvia maintained friendly and stable relations with its neighbors, including the Soviet Union, during its independence, without any border disputes;

Whereas Latvia concluded several peace treaties and protocols with the Soviet Union, including a peace treaty signed on August 11, 1920, under which the Soviet Union "unreservedly recognize[d] the independence and sovereignty of the Latvian State and forever renounce[d] all sovereign rights ... over the Latvian people and territory";

Whereas, despite friendly and mutually productive relations between Latvia and the Soviet Union, on August 23, 1939, Nazi Germany and the Soviet Union signed the Molotov-Ribbentrop Pact, which contained a secret protocol assigning Latvia, Estonia, and Lithuania to the Soviet sphere of influence;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas the Soviet Union imposed upon the people of Estonia, Latvia, and Lithuania a communist political system that stifled civil dissent, free political expression, and basic human rights;

Whereas the United States never recognized this illegal and forcible occupation, and successive United States presidents maintained continuous diplomatic relations with these countries throughout the Soviet occupation, never accepting them to be "Soviet Republics";

Whereas, during the 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis supported a United States policy of legal non-recognition;

Whereas, in 1953, the congressionally-established Kersten Commission investigated the incorporation of Latvia, Estonia, and Lithuania into the Soviet Union and determined that the Soviet Union had illegally and forcibly occupied and annexed the Baltic countries;

Whereas, in 1982, and for the next nine years until the Baltic countries regained their independence, Congress annually adopted a Baltic Freedom Day resolution denouncing the Molotov-Ribbentrop Pact and appealing for the freedom of the Baltic countries;

Whereas, in 1991, Latvia, Estonia, and Lithuania regained their de facto independence and were quickly recognized by the United States and by almost every other country in the world, including the Soviet Union;

Whereas, in 1998, the United States and the three Baltic nations signed the U.S.-Baltic Charter of Partnership, an expression of the importance of the Baltic Sea region to United States interests;

Whereas the 109th Congress resolved (S. Con. Res. 35 and H. Res. 28) that "it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia and Lithuania, the consequences of which will be a significant increase in good will among the affected people";

Whereas Latvia has successfully developed as a free and democratic country, ensured the rule of law, and developed a free market economy;

Whereas the Government of Latvia has constantly pursued a course of integration of that country into the community of free and democratic nations, becoming a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas the people of Latvia cherish the principles of political freedom, human rights, and independence; and

Whereas Latvia is a strong and loyal ally of the United States, and the people of Latvia share common values with the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the people of Latvia on the occasion of the 90th anniversary of that country's November 18, 1918, declaration of independence;

(2) commends the Government of Latvia for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its

strong commitment to human and civil rights;

(3) recognizes the common goals and shared values of the people of Estonia, Latvia, and Lithuania, the close and friendly relations and ties of the three Baltic countries with one other, and their tragic history in the last century under the Nazi and Soviet occupations;

(4) calls on the President to issue a proclamation congratulating the people of Latvia on the 90th anniversary of the declaration of Latvia's independence on November 18, 1918;

(5) respectfully requests the President to congratulate the Government of Latvia for its commitment to democracy, a free market economy, human rights, the rule of law, participation in a wide range of international structures, and security cooperation with the United States Government; and

(6) calls on the President and Secretary of State to urge the Government of the Russian Federation to acknowledge that the Soviet occupation of Latvia, Estonia, and Lithuania under the Molotov-Ribbentrop Pact and for the succeeding 51 years was illegal.

Mr. SMITH. Mr. President, I rise today to introduce a bill with my distinguished colleague, the senior Senator from Illinois, commemorating the 90th anniversary of Latvia's independence.

This past century saw more than its share of tragedy, as the twin evils of fascism and communism seeded mankind with misery unknown to earlier generations. Nazi and Soviet totalitarianism did their best to stamp out the individualistic spirit among their adherents, and forge them instead into a single mailed fist suited only for war, plunder, and oppression. Though the struggle against both was long and often dark, rays of light continually pierced the clouds. One such ray was the establishment of Israel, whose 60th anniversary we are commemorating this year. Another was the independence, sporadic though it began, of independent Baltic republics like Latvia. The modern state of Latvia was born in days of hope after the calamity of the Great War, days when so many of the subjugated peoples of Europe achieved independence. On November 18, 1918, Latvia became free. The U.S. recognized Latvia less than 4 years later.

It is both Latvia's blessing and its curse to sit on a historical crossroads. The Baltic region has been an important trading hub for hundreds of years, stretching back to the days of Vikings and Byzantium. Latvians, surrounded by powerful neighbors and wealthy trading states, have thus led a perilous existence. Tragically, but not fatally, Latvia's post-1918 existence was to be similarly perilous. Through a secret protocol with the Nazis, the U.S.S.R. occupied Latvia in the beginning of World War II, and retained control until the final collapse of the Soviet state in 1991. At that moment, ravished by communism and beset by historical injustice, Latvians made a bold choice to build a free, democratic, and prosperous Western-oriented society. They have since succeeded brilliantly, achieving high levels of economic and political freedom, and enjoying one of the highest living standards among ex-

communist countries. Latvia today stands as a model of Western, free-market democracy, and America stands with it.

I am very proud that Latvia is no longer in peril. It is a valuable member of NATO, and leads a new wave of pro-growth nations in the European Union. I am honored to introduce this resolution with Senator DURBIN, and commend Latvia on its 90th anniversary of independence.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the subcommittee will also consider S. 3096, a bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel.pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 16, 2008.

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

ORDERS FOR TUESDAY, JUNE 10, 2008

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, June 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act; that there be 1 hour for debate prior to the cloture vote, equally divided and controlled between the two leaders or their designees, with the final 20 minutes equally divided between the two leaders or

their designees, with the majority leader controlling the final 10 minutes prior to the cloture vote on the motion to proceed.

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

PROGRAM

Mrs. MURRAY. Mr. President, tomorrow Senators should expect that the first rollcall vote will begin shortly after 11 a.m. and that vote will be on the motion to invoke cloture on the motion to proceed to the Consumer-First Energy Act.

ORDER FOR ADJOURNMENT

Mrs. MURRAY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order, following the remarks of Senator BAUCUS.

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

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

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

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ENERGY PACKAGE WITH EXTENDERS

Mr. BAUCUS. Mr. President, last Friday a cloture motion was filed on H.R.

6049, the Renewable Energy Job Creation Act of 2008. This bill contains a robust energy package, with about \$17 billion in incentives for alternative energy, for efficiency, and for clean coal. This package is important for our environment, for energy security, and to facilitate the transition to a carbon-controlled economy.

It extends expiring individual provisions. These include the teacher expense deduction and the qualified tuition deduction. The bill also extends expiring business provisions. These include the research and development tax credit and the active finance expensing provision. These business provisions help keep America competitive in the global economy. These business provisions help maintain and create jobs. If these individual and business provisions are not extended, millions of families and businesses would have a huge tax increase. This is all paid for with two revenue raisers that no one has a problem with, revenue raisers that are sound tax policy.

Some might argue we should not increase taxes to pay for tax cuts, but these revenue raisers are not tax increases. The first provision is an extension of the effective date of the worldwide allocation of interest, delaying application of that provision. This section of the code is scheduled to take effect for tax years beginning after December 31, 2008. Many of the companies that will benefit from this provision have told me they would rather have business extenders, including R&D, active financing, and CFC look through, in exchange for a delayed application of the worldwide allocation of interest. These companies realize that in order to get extenders done now, they, along with the Congress, must pay for these provisions. These companies have made a choice. I believe it is a sound choice.

The second provision is offshore deferred compensation. This provision prevents hedge fund managers from deferring income. This is not an increase in tax on hedge fund managers; rather, it is a change in the timing of when in-

come tax will be applied. This is a timing issue, not a tax increase, and the proposal is sound tax policy. Some argue we should not pay to extend current tax benefits. This is a new one. When the other side was in the majority, several bills passed extending provisions, and they were paid for.

So this week the Senate is faced with a choice, a choice that, in my opinion, is relatively easy. We need to decide whether we will develop new jobs and new medications or we can continue to allow hedge fund managers to defer without limitation their compensation for investing other people's money. I believe the choice is easy. We must pass this package of expiring provisions.

I also believe the substitute I will offer will include fixing the AMT, taxes American taxpayers would otherwise have to pay—a so-called AMT patch. That prevents Americans from having to increase their tax liability in a way which I think would not be fair. As I said earlier, the extenders package will be paid for. The AMT patch will not be paid for. Why, some might ask. That is basically because I think it is important to recognize the reality that at the end of day, it will not be paid for, so I, therefore, believe it is important to include the AMT patch in something that is going to be fixed. It is not going to be paid for at the end; whereas, other provisions will be. That is the reason for including both in this bill. The extenders paid for, the AMT patch not paid for.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:39 p.m., adjourned until Tuesday, June 10, 2008, at 10 a.m.