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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

"God of our fathers, whose almighty hand leads forth in beauty, all the starry band of shining worlds and splendor through the skies, our grateful songs before Your throne arise."

Lord, give the Members of this body Your special grace. The responsibility they face is difficult and daunting. Let Your light and truth infuse this place today, and may our lawmakers depend completely upon Your transcendent wisdom. Use them as children of light and heirs of Your everlasting inheritance. May their lives ever praise Your wonderful and Holy Name. In the Name of Him who is perfect justice and unlimited compassion. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Sen-

ator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make some, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. There will then be 1 hour for debate prior to a series of 5 rollcall votes. The first vote in the series will be a cloture vote on the motion to proceed to the Consumer-First Energy Act. If cloture is not invoked on the motion to proceed, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. Following that vote, or votes, there will be up to 10 minutes for debate under the control of Senators LEAHY and SPECTER prior to a series of up to three rollcall votes on the confirmation of three district court judges.

### ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I use not be charged against the 1 hour precloture time so that there will be a full hour of debate on the issue relating to gas prices.

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

### CONSUMER-FIRST ENERGY ACT

Mr. REID. Mr. President, last Friday, I spoke of the high energy prices—I

have done that on a number of occasions recently—and the need for the Senate to pass the Consumer-First Energy Act. That will be the first vote we will have.

When I came to the Senate floor Friday, we had already had a very difficult day. We got up and saw in the newspaper that day that the market had crashed and gas prices were spiraling up to \$132 a barrel. There were other things that were not good from an economic perspective. I did not have any idea that the price of oil would go up to almost \$140 a barrel. Actually, it did that during the remarks I was making.

The massive spike in oil prices we saw on Friday and the corresponding 400-point drop in the Dow only compounded the crisis that has been growing for months and even years. When President Bush took office, a barrel of oil cost \$32 and a gallon of gasoline cost less than \$1.50. Of course, now, the average price in our country is more than \$4 a gallon, for the first time in the history of our country.

The President took us to war—a war of choice—and Vice President CHENEY invited oil executives to the White House to secretly write our national energy legislation. It was secret, so people went to court—it went all the way to the Supreme Court—to try to find out whom he met with, what he talked about, and what arrangements he made with the big oil companies. He was able to keep it secret. It is still secret. All we know is that the oil companies made \$250 billion in net profit last year. So we have a pretty good idea what went on in the White House. They never asked the oil executives, obviously, to build new refineries or to invest in clean, renewable alternative fuels. They apparently failed to consider the national security implications of our addiction to oil and never

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



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asked the oil companies to invest in clean energy.

You can take all the oil in the world—100 percent of it—and you can add in ANWR and all of the offshore we have in America today, and we have less than 3 percent of the oil in the world. We cannot produce our way out of the problems we have. Can we do more with production? Of course. That is the reason Democrats led the charge last year to bring into fruition more drilling off the coast of Louisiana and Mississippi.

We know we have to do something to wean ourselves from the 21 million barrels of oil we use every day—and 65 percent of that we import. But the Bush administration has failed to address these concerns. Sadly, the Republican Members of Congress stood by his side cheering him on and cheering on the oil companies to make more money.

The American people are suffering the consequences of the Bush administration's recklessness. As we speak, our airlines are on the verge of bankruptcy. What they have made a decision on last week—even though the airplanes were filled with passengers—is they have cut 20 percent of the flights around the country. Why? Because with every airplane load of passengers they haul, they lose money. They want to have airplanes that use less fuel, so even though the airlines are filled with passengers, they are saying they are losing more money at that airline that is going to Missoula, MT, or Kansas City, and therefore they are going to stop the flight—even though it is full—because that airline used more fuel than one taking somebody the same distance to someplace else. That sounds pretty crazy, but the airline industry is on the verge of not being able to continue. We cannot compete at this stage with the European airline industry. Here, we pay \$1.40 for a gallon of aviation fuel; they pay 75 to 80 cents there. We cannot compete. The cost of fuel is exceeding half of the cost of an airline, and they simply cannot make it.

It wasn't until Democrats won the majority that we finally were able to pass an energy bill last year that did some things. For the first time in 30 years, we increased the fuel economy standards and did a little bit to promote clean, American-made alternative fuels. We continued offering responsible solutions to reverse the energy crisis—and there is an energy crisis.

All this time, out there every day, we have the Sun shining, the wind blowing, and steam coming from the Earth, and we are doing nothing to capture that—virtually nothing. Why? Because we cannot get our Republican colleagues to join us in passing tax incentives to allow the great entrepreneurial spirit of America to invest in renewable fuels. We want to reverse the energy crisis. Yet our Republican colleagues inexplicably are refusing to work with us and prefer to simply con-

tinue to feed our addiction to oil. Some Republicans propose drilling in ANWR, but experts agree that we cannot drill our way out of this crisis. The ANWR thing won't pass. It has been decided that is not something we need to do.

Last week, Republicans took to the floor and talked about high gas prices. We got their memo saying they want this global warming thing to be “global warming and gas prices.” When they had the chance to vote on that, they walked away from it. Mr. President, they have the opportunity today to vote to bring us to the point where we can start legislating on gas prices. I hope their rhetoric last week is an indication that they are going to allow us to proceed.

This morning, we will vote to invoke cloture so we can move to pass the Consumer-First Energy Act. They have blocked this responsible legislation, or something similar to it, in the past. Maybe this time it will be different.

Observers have said that now that gas is over \$4 per gallon, it might be a tipping point for the American people. I hope it will be a tipping point for the Republicans in the Senate. We have SUVs that are now not being bought, which are manufactured by our manufacturers. We have hybrids coming into being, and that is good. Some people are abandoning their SUVs and cars—because they have no alternative—for public transportation. In States such as Montana or Nevada, where you have large areas of rural roads, people have to drive. There is no public transportation available. So public transportation is not an option for everybody, especially Americans living in rural areas and commuting long distances—areas not served by public transportation. No matter where we live or what our transportation options are, we all deserve a cleaner, safer, more affordable future.

Following the lead of the American people, perhaps Republican Senators have reached their own tipping point and are now ready to embrace change with us. We hope so. The choice today is simple: They can continue to stand with the Bush-Cheney administration and the modern-day oil barons or they can join us on the side of the struggling American families who deserve better.

I urge all of my colleagues—Democrats and Republicans—to support allowing us to proceed on this legislation. This is responsible legislation. We will end billions of dollars of tax breaks for these huge oil companies and executives who have been hauling in record salaries while the profits of the companies are skyrocketing. Second, we force the oil companies in this legislation to do their part by investing some of their profits in clean, affordable alternative energy. We protect the American people from price gouging. We stand up to OPEC and countries that are colluding together to keep oil prices high. We look at these margins. Many people believe the high cost of oil is sheer speculation.

This legislation, I acknowledge, is not a silver bullet that will solve the energy crisis, but it will take a nip out of it. After 7½ years of the Bush-Cheney energy policy, there are no quick fixes. The road ahead won't be easy. This is a start to help lower prices and to help working families make ends meet. It is one small step on a long and uphill road to a cleaner, more affordable energy future and to restoring the affordability of the American dream to families all over our country.

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

#### WINDFALL PROFITS TAX

Mr. MCCONNELL. Mr. President, over the weekend, as we all know, the average U.S. gas prices hit an alltime high of more than \$4 a gallon. I only point this out because it seems our friends on the other side aren't aware of it. In the middle of what some are calling the biggest energy shock in a generation, they seem baffled. Faced with a national outrage over gas prices, they propose as a solution, of all things, a windfall profits tax. If the idea had any merit at all, Republicans would consider it. But, of course, it doesn't.

We know from experience that Jimmy Carter tried a tax hike in 1980, and it was a miserable failure.

The Congressional Research Service says its only effect—its only effect—was to depress domestic production, thus significantly increasing our reliance on foreign oil and, in the end, less domestic production led to significantly less revenue from the tax that was expected. The same thing, of course, would happen again.

The biggest hit would not be to the energy companies, it would be to the American consumer who now dreads pulling his or her car into the gas station. Hitting the gas companies might make for good campaign literature or evening news clips, but it will not address the problem. This bill is not a serious response to high gas prices. It is just a gimmick. Don't take my word for it. The Democrats themselves said as much when their leadership proposed this sham solution last month.

Americans have lost patience with Democratic inaction on gas prices. Americans understand supply and demand. They know the only way to drive prices down is to drive production up at home by reducing demand through the kind of sensible action we took last year on fuel efficiency and renewable fuels. With gas now at \$4 a gallon, recent polls show that an increasing number of Americans are calling on us to exercise the option of exploring for energy at home.

What is the Democratic response to all this? Last week, the majority proposed a climate change tax that would have raised gas prices \$1.40 a gallon higher than they already are. They are hoping the idea of going after energy

companies will create the illusion of action, after a week in which they themselves fought for a bill that would make the problem worse. What a political charade.

This bill is not a serious approach to lowering gas prices. Our friends proposed the same one last month. It went nowhere. They didn't even bring it up because their own committee chairman opposed it. The Democratic chairman of the Energy and Natural Resources Committee, the junior Senator from New Mexico, called the windfall profits tax "arbitrary." The senior Senator from New York cautioned that another key provision of the bill would drive jobs overseas.

If the Democrats themselves don't like the bill and oppose its provisions, why are they reviving it?

Democrats will claim this bill will bring gas prices down, but in doing so they are counting on Americans to forget a basic law of economics: raising taxes on those who produce something leads to an increase in the price of products they sell. This was true in Adam Smith's pin factory. It is true for energy companies today. More taxes mean higher prices.

The rational response to high gas prices is to propose a policy that would actually lower them, and that is what Republicans have done. Last month, we proposed a bill that would allow us to access the 14 billion barrels of known recoverable oil on the Outer Continental Shelf in an environmentally sensitive way. We have also tried to open the Arctic National Wildlife Refuge for very limited and safe exploration. We have been blocked by our friends on the other side at every turn.

When Bill Clinton first vetoed the idea in 1995, the price at the pump was \$1.06 a gallon. Gas costs nearly four times as much as it did then. How high does it have to go before our friends on the other side allow limited and environmentally sensitive exploration of these giant U.S. reserves? Evidently, \$4 a gallon isn't high enough for them.

So, Mr. President, we have a better plan for addressing gas prices, one that respects the laws of supply and demand. In addition to the two provisions I already mentioned, our bill mandates that billions of coal-derived fuels be produced through clean coal technologies as a way of further reducing our dependence on foreign sources of oil.

Our bill repeals the 1-year moratorium on oil shale production in Colorado, Wyoming, and Utah, and it would accelerate the construction of refineries in the United States, as well as development of advanced batteries for plug-in hybrid vehicles.

Republicans are determined to lower gas prices the only way we can and strengthen our energy security for the long term—by increasing supply. We have tried to do so repeatedly, and every time we have tried we have been blocked by our friends on the other side.

Just last month, 48 Democrats blocked consideration of our energy supply bill. Last week, they blocked consideration of an amendment I sponsored that would have prevented the increase in gas taxes that the Boxer climate tax bill would have caused. Now, 2 days after we have seen the highest recorded gas price in history, they are proposing an idea that has already failed once and which will do nothing to ease the pain Americans are feeling at the pump.

Our friends on the other side have no serious plan to address gas prices. They have demonstrated this in the past, and they are demonstrating it today.

Yesterday's Wall Street Journal highlighted the kind of situation that has become typical over the past several months. In a story about high gas prices, the Journal quoted a self-employed handy man in Dallas who is paying twice as much money to fill his tank than he did a few years ago. This is what he had to say:

I feel like I am being held at knifepoint. If they charge \$10 a gallon, I'm going to pay it.

It is time we got serious about helping guys such as this. It is time we did something about supply to go along with our previous efforts to affect demand. But as long as our friends on the other side refuse, we will get nowhere in this debate, and that is why gas prices have gone up \$1.71 since the Democrats took over Congress.

I will vote against proceeding to this totally irresponsible bill and advise my colleagues to do the same.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

The assistant legislative clerk read as follows:

Motion to proceed to S. 3044, a bill 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 New York.

Mr. SCHUMER. Mr. President, as I understand it, there is 1 hour divided equally.

The ACTING PRESIDENT pro tempore. There is 40 minutes divided equally.

Mr. SCHUMER. And the addition of leader time. I ask that I be given 7½ minutes of our time.

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

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. SCHUMER. I will be happy to yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator HUTCHISON be the leadoff speaker and she be allowed 7 minutes, and that I follow her with 15 minutes, and then we will see where it goes from there.

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

Mr. SCHUMER. Mr. President, we all know that gas prices and the high price of oil and all oil products is the No. 1 issue in America. Everywhere we go—Legion halls, parades, weddings—this is all people bring up, and they demand action.

Today, we in the Democratic majority are stepping to the plate with two comprehensive bills—one dealing immediately with the issue of gas prices and the oil companies and the speculation in the market and the second dealing with changing our tax policies so that we encourage alternative fuels. We are stepping to the plate because we know the problem America faces: \$4-a-gallon gasoline. That is 267 percent higher than it was when President Bush took office in 2001. And we cannot pass any legislation?

We want to debate this legislation now. We have our ideas. The other side has its ideas. But we wish to move forward and debate the issue and finally get something done, and the other side, the minority leader said vote no. He is telling the American people that he and his party want to do nothing. They don't even want to debate it. That is an incredible statement at a time when America is crying out for action.

The bottom line is, we have had a White House, we have had a Republican minority that has taken zero proactive steps to reduce our dependence on foreign oil for 7 years. If it wasn't for this new Democratic Congress to pass along an overdue small increase in fuel efficiency standards, President Bush would leave the White House with a record he would consider spotless, committing no sins against big oil or against OPEC.

We on this side are not afraid to go after big oil when they are not doing the right thing, and we are not afraid to go after OPEC because they are a cartel that squeezes us. We are not afraid to do some strong, tough things that will, some in the short run and some in the longer run, bring down the price, the all-too-high price of gasoline.

We are hurting as a country. We are hurting individually as Americans. We are hurting as an economy, as people do not have the ability to spend on other things. We are hurting in our foreign policy as every day we send over \$1 billion to people we do not like, such as leaders of Iran, Venezuela, and other places. And we are hurting as a globe as we continue to send carbon dioxide into the air. And the other side says: Do nothing. Don't even debate the issue.

I have heard some people talk about some things on that side. What about ANWR, Alaskan oil, which was defeated in a bipartisan way a while ago? We will debate ANWR. Nobody thinks it is going to do anything for 7 years. I, for one, and many of us on this side supported drilling in the east gulf. It is beginning to happen because it would produce more oil and gas more quickly and do something about the price.

So we are not against any domestic oil production or exploration or gas production or exploration if it is going to make some sense. But we cannot drill our way out of the problem. If we do not do conservation, if we do not do alternative energy, and if we do not tell the big oil companies they can no longer run energy policy in America, we will not succeed; plain and simple. We are finally telling them.

There are many provisions in this bill, but there are four major provisions. One goes after OPEC, one goes after speculation, but the one that I helped write, along with the chairman of the Finance Committee, goes after the windfall profits of oil companies. They are making record profits, and we say take some of those record profits and require them to be placed into alternative energy.

When the head of ExxonMobil came before the Judiciary Committee a couple of years ago, he said he didn't believe in alternative energy. Well, most Americans do. And unlike my colleagues on the other side of the aisle, we don't believe ExxonMobil should dictate our energy policy. They are doing great, but we, the American people, are not.

If you want to get immediate production, do something about Saudi Arabia. They could in a minute increase supply by 1 million, 2 million barrels a day. This is not Alaska. A lot of people on the far right are saying: How can Schumer say increase Saudi production when he is not for Alaska production? Hello. One would pump oil into the system immediately and do something immediately if we could force the Saudis to do it. Some of us advocate not giving them arms until they do. One would take 7 years and, by many estimates, not do much to change the price because it is so long into the future.

It is appalling. I am profoundly surprised by the other side seeking to block this bill. I ask my colleagues to support it.

Might I ask the Chair how much time I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 seconds.

Mr. SCHUMER. I ask unanimous consent for 30 additional seconds.

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

Mr. SCHUMER. The windfall profits tax part of this bill, which I helped write, is a different windfall profits tax. It says when the level of profitability is very high, take that money and require that it be used for alter-

native energy. That is not too much to ask of ExxonMobil or of Chevron, Texaco, or any of these newly merged oil firms. It will not do all the things my colleague from Kentucky said but instead will force the oil companies that are not sacrosanct to start doing something to help get us out of this mess instead of just profiting from it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the bill before us is, pure and simple, a pathetic attempt to even call itself an energy plan. The American people are looking for leadership from the Congress. They are looking for something that will help small businesses not be eaten up with energy costs, the American family not be eaten up with the cost of gasoline at the pump, and what do they get in response? They get a bill that does not produce one ounce of energy. Not one ounce.

This bill does three things: It enacts a windfall profits tax, it suggests that we sue OPEC, and it forms a commission to investigate price gouging. What the American people are looking for is lower gasoline prices at the pump and lower electricity costs in their small businesses.

The Republican plan that was put forward so well by Senator DOMENICI, the ranking member of the Energy Committee, is a balanced plan that will produce results. What it does is what we have done in America for the last 200 years when we had a problem and that is use our ingenuity, use our natural resources, use our creativity, and come together to meet and beat our problems. That is what the Domenici plan does.

We have passed legislation that gives incentives for renewable energy—wind energy and solar power—and those are great things. They are small, but they are great things. We wish to continue that. We wish to promote conservation, which we have done in past Energy bills. We wish to also expand nuclear power. We haven't had a nuclear powerplant open in this country in 25 years. So the Energy bill we passed under Senator DOMENICI's leadership does have incentives for investment in nuclear power because we know it can be done clean, it can be done efficiently, and it will bring down the cost of electricity.

We have expansion of refineries in the bill that was passed 2 years ago, again under the leadership of Senator DOMENICI. We have to have expanded refineries because the problem in this country today is we don't have enough supply. Our refineries are running at full capacity, but we have not had expansion of our refineries because the regulatory environment has kept any sound management and business plan from being operative for an expanded facility. But we did pass legislation to expand facilities, again with environmental safeguards to do it right and expand the amount of energy we would have in our country.

Our plan also creates a State option, so States will have the ability to explore off their Outer Continental Shelf and get a reward for it, get a royalty. That could produce as much as we import from Venezuela, and that is a modest suggestion of what we might be able to get. It could be much more.

ANWR. Senator REID said: Forget ANWR, we are not going to do that. It is not going to pass here. Well, no, it is not going to pass. As long as we have no leadership from the majority in the Senate, it would not pass. But it did pass. It did pass in 1995. If President Clinton hadn't vetoed it, we would be pumping almost the same amount of oil that we import from Saudi Arabia every day, and we would not have \$4-a-gallon gasoline at the pump for hard-working Americans. So it can pass with leadership.

We are talking about ANWR. In an area the size of the State of South Carolina, the area that would be drilled is 2,000 acres, the size of Washington National Airport. It is a grassy plain. It gets to 70 degrees below zero in the wintertime. It is not part of the beautiful, pristine wilderness of ANWR. Yet it could bring gasoline prices down at the pump. Oil shale in Colorado and Wyoming. We have a balanced approach that will produce energy.

What does the bill before us do today? Well, let us talk about the windfall profits tax. In 1980, Congress passed one. What happened? It increased imports, it increased our reliance on foreign oil for our energy needs, and it made America more reliant on foreign sources of energy for our country. That is wrong for our national security, and it is wrong for our economy. It exported jobs overseas. It was such an abject failure that Congress repealed it. Why would we be going backward to something that has been proven to take jobs from America and increase our dependence on foreign sources?

OPEC. They say OPEC should be increasing its output. This is ludicrous. First, it ignores that OPEC could retaliate; that they are not going to abide by American law. At the same time the Democrats are saying we should sue OPEC for not producing more, they do not pass anything that would produce more of our own energy in our own country. Does anyone think OPEC is going to think that is a credible position for the Congress to take? Yet that is the position that is in the bill before us today.

It is almost laughable that every proposal we put forward that would increase our output is defeated by Congress. Yet they want to sue OPEC for not increasing their supply. You cannot have it both ways. We don't want to drill here, but we want to drill there. It is the old "you do it, we will talk about it" mentality that will not work.

What about forming another commission to investigate price gouging? We have had commissions on price

gouging, and they have turned up nothing. This is a bad bill. We should reject it, and we should look for leadership, bipartisan leadership, to solve this problem with our ingenuity.

I yield floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent for 5 minutes from the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SANDERS. Mr. President, do we need a windfall profits tax? You bet we do. The American people are sick and tired of paying \$4 for a gallon of gas. In the Northeast, we are worried about how people are going to stay warm in the winter, while at the same time ExxonMobil has made more profits than any company in the history of the world for the past 2 consecutive years, making \$42 billion last year alone.

But ExxonMobil is not alone. In the first quarter of this year, BP announced a 63-percent increase in their profits. Shell's first-quarter profits jumped by 25 percent, to over \$9 billion, and ConocoPhillips' profits increased by over 16 percent in the first quarter, to over \$4 billion. As a matter of fact, the five largest oil companies in this country have made over \$600 billion in profits since George W. Bush has been President. Do we need a windfall profits tax? You bet we do.

Let me say a word about what some of these oil companies are doing with these outrageous profits. In 2005, Lee Raymond, the former CEO of ExxonMobil, received a total retirement package of at least \$398 million. Yes, you heard that right, \$398 million in a retirement package for the former CEO of ExxonMobil. But he is not alone. Let us not just pick on ExxonMobil. In 2006, Ray Irani, the CEO of Occidental Petroleum, received over \$400 million in total compensation. Oh, yes, we don't need to do a windfall profits tax. These guys are just investing their money ever so significantly.

The situation is so absurd and the greed is so outrageous that oil company executives are not only giving themselves huge compensation packages in their lifetimes, but they have created a situation, if you can believe it, where they have carved out huge corporate payouts to their heirs if they die in office. I am not making this up. According to the Wall Street Journal, the family of Ray Irani, the CEO of Occidental Petroleum, will get over \$115 million if he dies while he is the CEO. The family of the CEO of Neighbors Industries, another oil company, will receive \$288 million if he dies while he is the CEO.

If this were not so pathetic, if so many people all over our country were not hurting, it would be funny. But it is not funny, it is tragic, and we have to deal with this reality. Let me be clear, however. I believe oil companies should be allowed to make a reasonable

profit, but they should not be allowed to rip off the American people at the gas pump, and that is why we need to pass a windfall profits tax, which is included in this legislation.

We should understand that a windfall profits tax alone is not going to solve all our problems. Since 1988, the oil and gas industry has spent over \$616 million on lobbying, and since 1990, they have made over \$213 million in campaign contributions. In other words, if this Congress is going to stand up to the oil companies, it is going to take a lot of courage. These people have enormous power, and they have spent an enormous amount of money on lobbying and campaign contributions. But I think we owe it to the American people to represent their interests rather than just the interests of big money.

Imposing a windfall profits tax is not the only thing we should be doing. We must address the growing reality that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, and JPMorgan Chase, and many hedge fund companies as well, are driving up the price of oil in the unregulated energy futures market. There are estimates that 25 to 50 percent of the \$134-a-barrel cost of oil is attributable not to supply and demand, not to the cost of production, not to the decline in the dollar but to the unregulated speculation which is currently taking place on oil futures. That is an issue we must address as well, and this legislation begins to do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, Parliamentary inquiry: How much time remains and who has time before the vote?

The ACTING PRESIDENT pro tempore. The Senator has secured 15 minutes for his own use, which would consume all the minority's time at this point, except for the leader's balance of that time.

Mr. DOMENICI. So that means I would use the remaining time, and there would be no time for anyone else before the first vote?

The ACTING PRESIDENT pro tempore. The majority still has 7 minutes.

Mr. DOMENICI. That was my question. I didn't pose it right.

The ACTING PRESIDENT pro tempore. Plus, the majority leader or his designee's time.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes and see how it works out. The Senator from Pennsylvania wanted some of my time. I don't know if I have enough to give him, but I will try, and I thank him for coming down so early in the morning.

First of all, let me say to my fellow Senators but most of all to the American people that the Senate has a bill before us today we will call the Reid bill, named after the majority leader, and I think it deserves a simple little nickname. It should be the Democratic Party's "No Energy Energy bill." It

doesn't produce one ounce of energy. Clearly, the American people are looking to us to see how we can suggest that the price of oil might be stabilized or brought down.

We are told by most experts we are going to be using crude oil for 30 or 40 years to come, and we call that the bridge, the bridge between now and the future, where we are going to have to use crude oil. If we are going to have to use crude oil, then America should look to itself and see where and how can we produce oil that belongs to us so this bridge, this 30 or 40 years when we are going to have to use crude oil to get by, that we will have as much of ours as possible.

It is a shame the majority party in the Senate is not looking to American resources, does not have a bill, will not let us vote on a bill, will not let us amend a bill that would produce more energy from the coastal waters off the shores of the United States, upon which we have put a moratorium. That moratorium says we cannot drill. Everybody knows there are literally billions of barrels of oil that belong to us. We could do whatever we would like. We could say 50 miles out is where we start, so it will harm no one, but let's open it and explore for American oil where there is an abundance.

In addition, let's go ahead and convert coal to crude oil, coal to diesel. We know how to do that. Let's get on with it so we can send the right signal to the world.

Let's take the moratorium off oil shale and get on with a 5- or 10-year program to produce oil from those properties that belong to Americans that are laden with oil and are in the States of Colorado, Utah, and Wyoming.

That is what we are looking for, not a bill that attempts to levy a windfall profits tax which everybody associated with that tax—including those who helped put it on during the regime of President Carter—now comes over and joins us, saying: Don't do that. It will do nothing but raise the price of crude oil.

Why do we want to pass a tax increasing the cost of crude oil when the American people are asking us to do the opposite? The majority here in the Senate believes the major oil companies—there are not very many left that are American oil companies. There are just a few of them left, and all the rest of the oil is owned by countries—not companies, by countries. They own it. We have five or six American companies. We ought to be grateful we have them. They are the only ones out there capable of competing with these countries to get oil and produce more. Yet the Democrats would like to make life onerous for those companies, would like to make it harder for them to produce oil, and try to let the American people think that if we tax them enough, somehow or another that will produce more oil.

From my standpoint, this is a very simple debate. The Democrats have no

energy bill before us, in terms of producing energy. So they have a "no energy" bill. We ought to say we don't want to debate that because it doesn't amount to anything. Then the House sent us a bill that imposes taxes. That is all it is. They impose taxes in order to put on a kind of energy stimulus for wind and the like. They want to tax in order to pay for it. We have never paid for it before. We have imposed those various incentives. They are good. We passed them 88 to 8 one time. We are for doing that again, but we are not for doing that in the manner suggested by the legislation from the House which came over here. It is our second vote. We ought to just say no to that and say we are ready to extend those tax credits and we are ready to do that in exactly the way we have done it before, with no taxes added to the American people or to anyone—just go ahead and do those tax extenders, which we desperately need.

Let me repeat. One of the most important things we need is an extension of those tax extenders. We do not need a tax bill that will pay for those extenders because we have already done it without taxes. We ought to do that again, nice and clean and quick. That would be a very good start toward an alternative energy policy or a continuation of one.

Mr. President, I wish to yield 3 minutes to the distinguished Senator from Pennsylvania at this point.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from New Mexico.

I have sought recognition to state my reasons for opposing the motion to proceed to cloture because this bill has too many facets. It was my hope that the majority leader would have separated this bill into the component parts. I cannot support legislation which would impede exploration for oil, which is what part of this bill is. But there are parts of this bill which are very important, and they ought to be taken up separately—for example, the legislation that defines and establishes penalties for price gouging by the oil and gas industry. It increases regulation of oil futures markets, and it includes the provision to eliminate the antitrust exemption for OPEC countries.

It does not have to be said on the floor of the Senate that enormously serious problems exist today with the price of oil and with the price of gasoline at the pump. The newspapers are full of it. It is an atrocious situation that is happening, and we desperately need relief.

There are very substantial indicators that a good bit of this problem is caused by price gouging. The legislation ought to be separated out so that we act on that. There are significant indicators that the oil futures market is causing speculators to jack up the price of oil. There ought to be regulation on that. We ought to take it up separately. When it comes to the anti-

trust exemption for the OPEC countries, it is atrocious. A few of these countries get together in a room, they lower production, and that increases prices. That bill was passed by the Senate with 70 votes. It has been passed by the House of Representatives. We ought to be taking that up separately. If we took up these measures separately, we would have an opportunity to give some relief to the American people.

Candidly, it is incomprehensible to me why we are not taking up the cost of oil and the cost of gas at the pump, to try to alleviate the pressure on the American people—and for that matter, worldwide. If we were to eliminate the OPEC antitrust exemption—to which they are not entitled; it is not a sovereign immunity issue, it is a commercial transaction—we have the authority to do that. One Federal judge has already upheld that approach. If we worked on the approach, if we worked on what the traders are doing on speculation, we would have some real effect. We are not too busy to take up this issue, aside from a few minutes on the Senate floor. There is no reason it has to be joined with what is obviously a poison pill, where you talk about acting against the oil and gas industry to discourage exploration. We know exploration is vitally necessary, so I cannot support this legislation in its present form, but it ought to be divided. We ought to take up the antitrust exemption separately.

We ought to move ahead on a matter of pressing importance. There is nothing more important for the American people, for the people of the world. I urge the majority leader, who sets the schedule, to reconsider and separate these bill so we can act in a meaningful and important way.

Mr. DOMENICI. Mr. President, I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, every day Americans are watching the price of oil and gas shoot up higher and higher, and are watching as it gets harder and harder to make ends meet.

This week, the national average price of gasoline broke the \$4 per gallon mark. When George Bush took office, gas cost just \$1.46 a gallon. This dramatic increase in oil prices has brought prices for food up along with it, and American families are faced with a painful financial choice when it comes time to fill-up—do they fill up their gas tank or do they forgo a gallon of gas to buy a gallon of milk?

Businesses are cutting jobs. Families have already eliminated nonessentials and are now cutting back on meals. Some Americans are even contemplating quitting their jobs because they can't afford the gas to get there. It has become painfully clear: We are in an oil crisis. And we had better start taking action to get out of this mess.

Fuel efficiency, alternative fuels, and mass transit are the long-term answers

that I will soon discuss, but consumers need immediate help, and the Consumer-First Energy Act will provide that relief.

The first thing the Democratic bill will do is make sure that our commodities markets are functioning fairly. The supply and demand equation is roughly the same as it was 2 years ago and yet we have seen prices go through the roof.

We all remember the damage Enron did to our Nation's economy by manipulating unregulated electricity markets. The Consumer-First Energy Act will make sure that oil is traded on well-regulated, transparent markets which are free from manipulation. It requires Commodities Futures Trading Commission oversight, sensible margin requirements, and standard participant disclosures.

By making the oil futures market conform to usual standards and practices, we can combat excessive speculation and insure that the markets are free from manipulation.

The Consumer-First Energy Act also makes sure that oil companies are not taking advantage of American consumers. The Bush energy policy was written by energy companies for energy companies. And while it has worked well for energy companies, it has completely failed the American public. The major oil companies made \$124 billion in profits last year and will earn even higher profits this year.

Are the oil companies using these enormous profits to give consumers a break at the pump? No. Are they using those profits to invest in new refineries or develop alternative fuels? No. Despite what my friends on the other side of the aisle might claim, big oil is not looking out for the American driver. Big oil is looking out for itself. Our colleagues on the other side offer more of the same.

Yet, despite the fact that big oil is doing all it can to reap record profits at the expense of our economy, big oil is in line to receive over \$17 billion in tax breaks.

The Consumer-First Energy Act will fix this problem and make sure that big oil is paying its fair share of taxes, and isn't profiteering at the expense of American consumers. It includes a windfall profits tax which would raise revenue to invest in sustainable, domestic sources of energy and to provide relief to consumers suffering under high energy prices.

We must act now to provide immediate relief to American families. But in addition to relief and protections included in the Consumer-First Energy Act, we also need to think about what we can do to reduce consumption and rein in costs in the long term.

My friends on the other side of the aisle do not want to address this oil crisis. Indeed, they want to exploit it to try to provide even more Government help for their big oil supporters. They tell their constituents that the answer to our oil addiction is to drill,

drill, drill. But feeding the addiction by tapping another vein just drills us into a deeper hole.

The fact is that the world's largest remaining oil reserves are in the hands of foreign governments. That means it is difficult if not impossible for us to control our supply of oil. But the one thing we can control is our demand. In the long term, we need to invest in alternative energy, mass transit, and increasing fuel efficiency.

While we work to make alternative fuel technologies more affordable we need to drastically improve fuel economy. If we had increased fuel economy a modest 2 percent per year since 1981, our fleet would now average 34 miles per gallon. This alone would have cut our demand for oil by 30 percent while saving over 30 billion barrels of oil. 30 billion barrels of oil. According to the Energy Information Agency that is more than the proven oil reserves remaining in the United States. It is commendable that we finally raised CAFE standards this year, but we are going to have to make our vehicles a lot more efficient to make up for lost time.

We also need tax incentives for hybrids and plug-in hybrids, and need to support advanced battery research. Once our transportation infrastructure can run on alternative fuels like electricity or cellulosic ethanol, consumers will finally have a choice. We will be able to choose not to buy oil, and that will force gas prices back to Earth.

The last, but perhaps most important, long-term solution to our current oil crisis is an immediate and substantial investment in mass transit. More people are taking commuter trains, buses, and even ferries now than in the past 50 years.

For millions, having the option to use alternative transportation modes has been essential to getting to work affordably. It is time we finally fully funded mass transit at the level it deserves.

It is time for a real cure, not the tired old policies of the past. This bill gives the American people what they need right now, to get through the immediate problem and start us down the path to real, sustainable, long-term solutions to our energy crisis.

I hope our colleagues seize the moment, vote for the motion, and move us to the type of relief Americans are looking for.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, am I correct in assuming that I have 2 minutes, plus the leader's time?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield myself 5 minutes and will reserve the remainder.

Mr. President, the American people are clamoring for relief at the pump. In 1 year we have seen a 16-point increase in the percentage of Americans who

seek more exploration and production of oil and gas in this country.

Today, according to a recent Gallup poll, 57 percent of Americans are seeking more exploration and production of oil and gas here at home. I do not know what percentage of Americans would like to see higher taxes, increased prices, and greater imports, but I suspect it would be very low. But according to the independent Congressional Research Service, that is what the people will get if the Reid tax increase is enacted into law. They will get exactly what they do not want, because the bill will raise taxes, increase imports, and contribute to a pattern of sending more than half a trillion dollars overseas to hostile regions.

I will oppose the motion to proceed this morning. I wish to start by looking at the windfall profits tax contained in this bill. The nonpartisan Congressional Research Service found a windfall profits tax could have several adverse effects and could be expected to reduce domestic oil production and increase the level of imports. This group is not alone in their estimate. The Wall Street Journal predicts a windfall profit tax is a sure formula "to keep the future price of gas higher."

It is not simply these two views that warn against a windfall profits tax. Former officials from both the Carter and Clinton administrations have spoken. The Under Secretary of Commerce in the Clinton administration recently said:

A new windfall profits tax, however emotionally satisfying it may seem, also harms most people saving for their retirement or living on retirement savings. More than 40 percent of that cost would fall on tens of millions of seniors and retirees who own oil stock directly or indirectly through their pension plans and retirement accounts.

An individual named Phil Verleger, the individual responsible for implementing the tax during the Carter years, recently called a windfall profits tax "a terrible idea today."

There seems to be a consensus everywhere that the windfall profits tax is a bad idea, except in the halls of Congress and within the Chavez administration in Venezuela. It is not only conjecture that leads us to the conclusion that this is a bad idea but, rather, an understanding of history. Between 1980 and 1986 when the last windfall profits tax was in place, domestic oil production was reduced by as much as 8 percent and our imports rose from 32 percent to 38 percent. Revenues for the tax came in well below what was originally estimated, and the tax came to be called an administrative nightmare that stunted economic growth. It was a bad idea then and it is a bad idea now, and it should be rejected. About that I am certain.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds remaining.

Mr. DOMENICI. On the time I yielded to myself?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I want to try to raise a concept and see if we can get this where more people would begin to discuss this idea. In a hearing about 8 days ago, a crude oil expert made the statement that we would be using oil as a bridge to the future for more than 30 years. Let me repeat. We will be using crude oil as a bridge to the future for more than 30 years, this expert said, perhaps 40 years or more.

That is kind of common sense. Crude oil is used to make gasoline and things such as gasoline, and those are used in the importation industry. We cannot get rid of that quickly.

The PRESIDING OFFICER. The Senator is now using leadership time.

Mr. DOMENICI. I will use 1 minute and then I will sit down. Let me repeat so everybody will get this. For something like 40 years, we will be using crude oil, our own or others, because we cannot get rid of the current mode of transportation any quicker. Cars will be cars, and we will be using them because we cannot wean them off the scene. As we move to a better era of a better life where we do not have to use crude oil in our daily lives so much, we will have to use the bridge which will be crude oil.

Now, why do I talk about this? I do because it is important we understand that if we have any cards, playing poker, if we have any aces in our hands, we better go ahead and play them, and the aces are crude oil we might produce some way that is ours. We ought to go ahead and play the card. I submit that we do have a lot of aces. We have got a huge amount of crude oil that is in the Outer Continental Shelf that we ought to be exploring for forthwith. We ought to take the moratoria off and start at 50 miles out across this land. If we did that and sent that message for starters, it would be received in a terrific way. Take the moratoria that were put in the bill that has been referred to as the Domenici bill for production, and believe it or not, we would send a signal that America is coming back to life, and during that bridge time we are going to produce more oil on our own.

Nothing will help us more in reducing the price and cost to our consumers than that idea we implemented. We must try to do it even if the Democrats do not want us to. We have got to try to force a vote so that people understand what we are trying to do.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Is the Senator seeking to preserve the leader's time?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Is there objection?

Mrs. McCASKILL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, I assume the Chair is telling me that I cannot reserve any of the leader's time, so



I can sit down and take it at a later time?

The PRESIDING OFFICER. That requires consent. Consent was not granted. The Senator has 4 minutes remaining.

Mr. DOMENICI. All right. I will use it now.

Now, Senators today should have been—under anyone's understanding of the dilemma we are in with the price of oil scaring the American people to death, the amount of money we are sending out of our country to meet our energy needs, it is going to reach \$600 billion a year. With the escalating price of crude oil, that is what it looks like next year. It will be what a full year will cost us, \$600 billion. I would think with that in mind, there would be on the floor of the Senate some real proposals by the Democratic leadership and the majority party.

Instead, what do we get? We get what I call a "no-energy energy bill." It is a no-energy energy bill because it does not produce an ounce of energy; it raises the cost instead of lowering the cost of crude oil; it produces less rather than more crude oil. That is why there is nothing going on on the floor, because there is nothing exciting. The Democrats have offered nothing.

We are begging them to try something. We are begging them to try something that would produce more American oil or oil substitutes. We know what they are. The distinguished Senator from Colorado knows what they are. We know that offshore, deep-water exploration around the shores of America could be put in effect by raising the moratorium, and we would have literally billions of reserves of oil and trillions of cubic feet of natural gas readily made available.

We need to take off the moratorium that we put on ourselves, take it off and say to the people: Let's produce it. It would take a few years. But the signal would be positive. We would have the oil shale in your State and Utah, your sister State, if we said we are ready to set the final guidelines so the oil companies can invest. Someone down here prior to my speech said the oil companies will not do anything to help. Yes, indeed they will. One of them is investing \$8.5 billion in oil shale and tar sands up in our neighboring country of Canada. Some people think that is terrible, because they did not want them to produce that kind of oil. But I do not think it is terrible, because it eliminates the potential for gouging, for prices being too high. Because if you have these great inventories of resources and they are yours and you can use them, you ameliorate the increasing price of oil, and we ought to be doing that.

Instead of that, we are down here talking about a second bill. The second bill is a bill passed by the House, sent over here to us that is full of tax increases to pay for a series of tax incentives that we should pass without the tax increases. We have done it before, we ought to do it.

That bill ought to be defeated, no question about it, because we ought to pass it. We need the incentives, but we do not need the tax increases. We have done it without tax increases twice before, and somehow or other the House keeps getting it put in their head if they send it over here with other tax increases, different ones, we will go for it. I think it is pretty clear we will not.

So it is an interesting day. Instead of being here with some positive things we are going to do, we will be here defending some old ideas that are not going to help one bit, and we are saying, let's try them anyway.

I yield the floor.

Mr. LEVIN. Mr. President, day after day record-high oil and gasoline prices are causing immense harm to millions of American consumers and businesses. Unless something is done to make energy more affordable, these record-high prices will continue to damage our economy, increasing the prices of transportation, food, manufacturing, and everything in between. Skyrocketing energy prices are a threat to our economic and national security, and the time is long past for action.

My Senate Permanent Subcommittee on Investigations has conducted four separate investigations into how our energy markets can be made to work better. Most recently, last December, we had a joint hearing with the Senate Energy Subcommittee on the role of speculation in rising energy prices. As a result of these investigations and hearings, I have been advocating a variety of measures to address the rampant speculation and lack of regulation of energy markets which have contributed to sky high energy prices:

First, put a cop—a regulatory agency—back on the beat in the energy markets to prevent excessive speculation and manipulation. That includes closing the Enron loophole and the London loophole and taking other steps to strengthen market oversight.

Second, develop alternatives to fossil fuels to reduce our dependence on oil.

Third, impose a windfall profits tax on oil companies that have profited from the massive price runup and use the money to help consumers, boost domestic energy supplies, improve energy technologies, and strengthen our energy markets.

One of the major causes of our energy crisis is the failed policies of the current administration. The chickens have come home to roost on 7 years of a business-as-usual energy policy, paired with fiscal and foreign policies that have pushed our growing energy problem close to a breaking point. Because the administration has proved itself unable and unwilling to take the necessary steps to provide affordable energy supplies to the American people, it is up to the Congress to try to jumpstart a comprehensive solution to skyrocketing energy prices. Congress already has taken two important steps this year—we have closed the Enron loophole and we have stopped the ad-

ministration's misguided program to keep on filling the SPR despite record-high prices—but more can and should be done. That is why I support enactment of the Consumer-First Energy Act now before us and will be voting for cloture on this bill.

Last week the price of crude oil reached a record high price of about \$139 per barrel. Sky-high crude oil prices have led to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. The national average price of gasoline is at a record high of just over \$4 per gallon. The price of diesel fuel, which is normally less expensive than gasoline, has soared to a record high of nearly \$4.60 per gallon.

Rising energy prices increase the cost of getting to work and taking our children to school, traveling by car, truck, air and rail, and growing the food we eat and transporting it to market. Rising energy prices increase the cost of producing the medicines we need for our health, heating our homes and offices, generating electricity, and manufacturing countless industrial and consumer products. The relentless increase in jet fuel prices, which have added nearly \$75 billion to our airlines' annual fuel costs, has contributed to airline bankruptcies, mergers, fare increases, and service cuts. "If fuel continues to go up, this industry cannot survive in current form," the president of the Air Transport Association said recently. Rising diesel prices have placed a crushing burden upon our Nation's truckers, farmers, manufacturers, and other industries. To make matters worse, our energy costs are rising much more quickly than energy costs in other countries, directly threatening our global competitiveness.

In January 2001, when President Bush took office, the price of oil was about \$30 per barrel. The average price for a gallon of gasoline was about \$1.50. Since President Bush took office, crude oil prices have more than quadrupled, natural gas prices to heat our homes have almost doubled, gasoline prices have nearly tripled, and diesel fuel prices have more than tripled.

It doesn't have to be this way. Just 7 years ago, at the end of the Clinton Administration, energy supplies were plentiful, and gasoline and other forms of energy were affordable. Once the Bush administration took office, however, it didn't take them long to eliminate the budget surplus by cutting taxes mainly for the wealthiest among us, creating a huge annual budget deficit, and driving up the national debt. This fiscal mismanagement has contributed significantly to a steep decline in the value of the dollar and soaring commodity prices. Because American currency is worth less, it takes more of them to buy the same barrel of oil. American consumers and businesses are forced to spend more and more of their hard-earned dollars to buy the same amount of energy.



During the last years of the Clinton administration, the United States ran a budget surplus, totaling nearly \$560 billion. But over the past 6 years of the Bush administration the annual deficits have totaled nearly \$1.7 trillion, not counting the amount by which the Bush administration has been draining the Social Security and Medicare trust funds. When this is counted, under this administration the total outstanding debt has increased by a whopping \$3.2 trillion.

When President Clinton left office, the dollar was worth more than the Euro. In January 2001, it took only about 90 cents to buy one Euro. Today, it takes about \$1.60 to buy one Euro—a record low for the dollar. The fall in the value of the dollar is a result of a weakened U.S. economy, a high trade deficit and a worldwide lack of confidence in the Bush administration's ability to manage our Nation's economy and foreign policy.

As long as this administration continues to insist on irresponsible fiscal practices—including tax cuts for people with the highest income and an open-ended conflict in Iraq that is costing \$12 billion a month—the dollar will likely continue to decline in value. The marketplace has rendered a clear “no confidence” in this administration's fiscal competence.

Besides the weak dollar, there are other factors at work that account for soaring energy prices. Some are beyond our control; others we can do something about. In global markets, for example, the combination of increasing demand from developing countries, coupled with a variety of political problems in supplier countries, has contributed to price increases. Growing demand for oil and gas in China, India, and other developing countries is contributing to an overall increase in global demand for crude oil. On the supply side, many oil producing countries are politically unstable and have not been fully reliable suppliers. For example, in Nigeria, which is a major oil-producing country, for several years tribal gangs have been sabotaging production and pipelines.

While we can't do much about growing demand in China and India, other causes of high prices can be addressed. For example, one key factor in energy price spikes is rampant speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a paper demand that is driving up prices and increasing price volatility solely to take a profit. Overall, the amount of trading of futures and options in oil on the New York Mercantile Exchange has risen sixfold in recent years, from 500,000 outstanding contracts in 2001, to about 3 million contracts now.

Much of this increase in trading of futures has been due to speculation. Speculators in the oil market do not intend to use crude oil; instead they buy and sell contracts for crude oil just to make a profit from the changing

prices. The number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to 1.2 million contracts currently held by speculators, which represents almost 40 percent of the outstanding futures and options contracts in oil on NYMEX.

There are now 12 times as many speculative holdings as there was in 2001, while holdings of nonspeculative futures and options are up but 3 times.

Not surprisingly, this massive speculation that the price of oil will increase has, in fact, helped fuel the actual increase in the price of oil to a level far above the price that is justified by the traditional forces of supply and demand.

The president and CEO of Marathon Oil recently said, “\$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.” Mr. Fadel Gheit, oil analyst for Oppenheimer and Company, describes the oil market as “a farce.” “The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.” In January of this year, as oil hit \$100 barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote “the larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.” At the joint hearing on the effects of speculation held by my subcommittee last December, Dr. Edward Krapels, a financial market analyst, testified, “Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade. . . . It would be amazing if oil somehow escaped this effect.” Dr. Krapels added that as a result of this speculation, “There is a bubble in oil prices.”

A fair price for a commodity is a price that accurately reflects the forces of supply and demand for the commodity, not the trading strategies of speculators who only are in the market to make a profit by the buying and selling of paper contracts with no intent to actually purchase, deliver, or transfer the commodity. As we have all too often seen in recent years, when speculation grows so large that it has a major impact on the market, prices get distorted and stop reflecting true supply and demand.

Last month, Senator JACK REED and I wrote a letter asking President Bush to appoint a high-level task force to evaluate how speculators are driving up prices through manipulative or deceptive devices. The task force should also evaluate whether there are adequate regulatory tools to control market speculation and prevent manipulation. Hopefully the President will act quickly to convene this task force.

Excessive market speculation is a factor that we can and should do a better job of controlling. There are other long overdue actions as well that, if

taken as part of a comprehensive plan, can combat rising energy prices.

As to reining in speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses. In 2001, my Senate Permanent Subcommittee on Investigations began investigating our energy markets. At the time, the price of a gallon of gasoline had spiked upwards by about 25 cents over the course of the Memorial Day holiday. We subpoenaed records from major oil companies and interviewed oil industry experts, gas station dealers, antitrust experts, gasoline wholesalers and distributors, and oil company executives. We examined thousands of prices at gas stations in Michigan, Ohio, California, and other States. In the spring of 2002, I released a 400-page report and held 2 days of hearings on the results of the investigation.

The investigation found that increasing concentration in the gasoline refining industry, due to a large number of recent mergers and acquisitions, was one of the causes of the increasing number of gasoline price spikes. Another factor causing price spikes was the increasing tendency of refiners to keep lower inventories of gasoline. We also found a number of instances in which the increasing concentration in the refining industry was also leading to higher prices in general. Limitations on the pipeline that brings gasoline into my home State of Michigan were another cause of price increases and spikes in Michigan. The report recommended that the Federal Trade Commission carefully investigate proposed mergers, particularly with respect to the effect of mergers on inventories of gasoline.

The investigation discovered one instance in which a major oil company was considering ways to prevent other refiners from supplying gasoline to the Midwest so that supply would be constricted and prices would increase.

In March 2003, my subcommittee released a second report detailing how the operation of crude oil markets affects the price of not only gasoline but also key commodities like home heating oil, jet fuel, and diesel fuel. The report warned that U.S. energy markets were vulnerable to price manipulation due to a lack of comprehensive regulation and market oversight.

Following this report, I worked with Senator FEINSTEIN on legislation to put the cop back on the beat in those energy markets that had been exempted from regulation pursuant to an “Enron loophole” that was snuck into other legislation in December 2000. For 2 years we attempted to close the Enron loophole, but efforts to put the cop back on the beat in these markets were unsuccessful, due to opposition from the Bush administration, large energy companies, and large financial institutions that trade energy commodities.

In June 2006, I released another Subcommittee report, “The Role of Market

Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat." This report found that the traditional forces of supply and demand no longer accounted for sustained price increases and price volatility in the oil and gasoline markets. The report determined that, in 2006, that a growing number of energy trades occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for \$20 out of a then-priced \$70 barrel of oil.

The subcommittee report I released in June 2006 again recommended new laws to increase market oversight and stop market manipulation and excessive speculation. I again coauthored legislation with Senator FEINSTEIN to improve oversight of the unregulated energy markets. Once again, opposition from the Bush administration, large energy traders, and the financial industry prevented the full Senate from considering this legislation.

In 2007, my Permanent Subcommittee on Investigations addressed the sharp rise in natural gas prices over the previous year and released a fourth report, entitled "Excessive Speculation in the Natural Gas Market." Our investigation showed that speculation by a single hedge fund named Amaranth had distorted natural gas prices during the summer of 2006 and drove up prices for average consumers. The report also demonstrated how Amaranth had traded in unregulated markets to avoid the restrictions and oversight in the regulated markets and how the price increases caused by Amaranth could have been prevented if there had been the same type of oversight in the unregulated markets as in the regulated markets.

Following this investigation, I introduced a new bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working again with Senators FEINSTEIN and SNOWE and with the members of the Agriculture Committee in a bipartisan effort, we finally managed to include an amendment to close the Enron loophole in the farm bill that was then being considered by the Senate. The Senate unanimously passed this amendment to close the Enron loophole last December. The final farm bill that was passed by the House and Senate last month included language nearly identical to what the Senate had passed. Although President Bush vetoed the entire farm bill, both the House and Senate have overridden his veto. Our 5-year quest to close the Enron Loophole has finally been successful.

The CFTC is now in the process of implementing the close-the-Enron-loophole law. Among other steps, it is charged with reviewing the contracts on previously unregulated energy markets, like the Intercontinental Exchange or ICE, to determine which contracts have a significant effect on energy prices and must undergo daily

oversight. Once that process is complete, the cop will be back on the beat in those markets for the first time since 2000.

Closing the Enron loophole is vitally important for energy market oversight as a whole, and for our natural gas markets in particular, but it is not enough. Because over the last 2 years, energy traders have moved a significant amount of U.S. crude oil and gasoline trading to the United Kingdom, beyond the direct reach of U.S. regulators, we have to address that second loophole too. I call it closing the London loophole.

There are currently two key energy commodity markets for U.S. crude oil and gasoline trading. The first is the New York Mercantile Exchange or NYMEX, located in New York City. The second is the ICE Futures Europe exchange, located in London and regulated by the British agency called the Financial Services Authority.

The British regulators, however, do not oversee their energy markets the same way we do; they don't place limits on speculation like we do, and they don't make public the same type of trading data that we do. That means that traders can avoid the limits on speculation in crude oil imposed on the New York exchange by trading on the London exchange. It also makes the London exchange less transparent than the New York exchange. My original legislation to close the Enron loophole would have required U.S. traders on the London exchange to provide U.S. regulators with the same type of trading information that they are already required to provide when they trade on the New York Mercantile Exchange. Unfortunately, this provision was dropped from the close-the-Enron-loophole legislation in the farm bill.

The Consumer-First Energy Act, S. 3044, which the majority leader and others introduced recently to address high prices and reduce speculation, includes at my request a provision to curb rampant speculation, increase our access to foreign exchange trading data, and strengthen oversight of the trading of U.S. energy commodities no matter where that trading occurs. This provision would require the Commodity Futures Trading Commission, CFTC, prior to allowing a foreign exchange to establish direct trading terminals located in this country, to obtain an agreement from the that foreign exchange, such as the London exchange, to impose speculative limits and reporting requirements on traders of U.S. energy commodities that are comparable to the requirements imposed by the CFTC on U.S. exchanges. I believe this issue is so important that I have introduced this section of the package as a separate bill, which is numbered S. 2995. Senator FEINSTEIN is a cosponsor of that bill.

Following the introduction of our legislation, the CFTC finally moved to address some of the gaps in its ability to oversee foreign exchanges operating

in the United States. Specifically, the CFTC, working with the United Kingdom Financial Services Authority and the ICE Futures Europe exchange, announced that it will now obtain the following information about the trading of U.S. crude oil contracts on the London exchange:

Daily large trader reports on positions in West Texas Intermediate or WTI contracts traded on the London exchange; information on those large trader positions for all futures contracts, not just a limited set of contracts due to expire in the near future; enhanced trader information to permit more detailed identification of end users; improved data formatting to facilitate integration of the data with other CFTC data systems; and notification to the CFTC of when a trader on ICE Futures Europe exceeds the position accountability levels established by NYMEX for the trading of WTI crude oil contracts.

These new steps will strengthen the CFTC's ability to detect and prevent manipulation and excessive speculation in the oil and gasoline markets. It will ensure that the CFTC has the same type of information it receives from U.S. exchanges in order to detect and prevent manipulation and excessive speculation.

However, in order to fully close the London loophole, better information is not enough. The CFTC must also have clear authority to act upon this information to stop manipulation and excessive speculation.

That is why I have been working with the sponsors of the Consumer-First Energy Act to include additional language to ensure that the CFTC has the authority to act upon the information it will obtain from the London exchange, in order to prevent price manipulation and excessive speculation. This new provision, which I helped author, would make it clear that the CFTC has the authority to prosecute and punish manipulation of the price of a commodity, regardless of whether the trader within the United States is trading on a U.S. or on a foreign exchange. It would also make it clear that the CFTC has the authority to require traders in the United States to reduce their positions, no matter where the trading occurs—on a U.S. or foreign exchange—to prevent price manipulation or excessive speculation. Finally, it would clarify that the CFTC has the authority to require all U.S. traders to keep records of their trades, regardless of which exchange the trader is using.

It is my understanding that this new provision will be included in a substitute amendment that will be offered today or in a future debate on this bill, if cloture is not invoked today. I thank the bill sponsors for accepting this language to ensure that the CFTC has full enforcement authority over traders within the United States who are trading on a foreign exchange, just as the CFTC has over traders who are trading on a U.S. exchange. This clarification of the CFTC's enforcement authority over traders in the United States, together with the earlier provision setting standards for foreign boards of

trade wishing to place trading terminals in the United States, will fully close the London loophole.

There is another problem with our energy markets that Congress has finally acted on. In 2003, a report issued by my Subcommittee staff found that the Bush administration's large deposits of oil into the Strategic Petroleum Reserve, SPR, were increasing crude oil prices without improving overall U.S. energy security. We found that in 2002, the Bush administration, over the repeated objections of its own experts in the Department of Energy, had changed its policy and decided to put oil into the SPR regardless of the price of oil or market conditions. By placing oil into the SPR while oil prices were high and oil supplies were tight, the administration's deposits into the SPR were reducing market supplies and boosting prices, with almost no benefit to national security, given the fact that the SPR is more than 95 percent filled. The DOE experts believed that in a tight market, we are better off with keeping the oil on the market rather than putting it into the ground where it cannot be used.

Following the issuance of this report, in early 2003, I asked the Department of Energy to suspend its filling of the SPR until prices had abated and supplies were more plentiful. DOE refused to change course and continued the SPR fill without regard to market supplies or prices.

After DOE denied my request, I offered a bipartisan amendment with Senator COLLINS to the Interior appropriations bill, which provides funding for the Strategic Petroleum Reserve program, to require DOE to minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Senate unanimously adopted our amendment, but it was dropped from the conference report due to the Bush Administration's continued opposition.

The next spring, I offered another amendment, also with Senator COLLINS, to the budget resolution, expressing the sense of the Senate that the administration should postpone deliveries into the SPR and use the savings from the postponement to increase funding for national security programs. The amendment passed the Senate by a vote of 52 to 43. That fall, we attempted to attach a similar amendment to the homeland security appropriations bill that would have postponed the SPR fill and used the savings for homeland security programs, but the amendment was defeated by a procedural vote, even though the majority of Senators voted in favor of the amendment, 48 to 47.

The next year, the Senate passed the Levin-Collins amendment to the Energy Policy Act of 2005 to require the DOE to consider price impacts and minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Levin-Collins amendment was agreed to by the conferees and is now law.

Unfortunately, passage of this provision has had no effect upon DOE's ac-

tions. DOE continued to fill the SPR regardless of the market effects of buying oil, thereby taking oil off the market and reducing supply by placing it into the SPR. In the past year, no matter what the price of oil or market conditions, DOE consistently found that the market effects are negligible and no reason to delay filling the SPR.

Most recently, at the same time the President was urging OPEC to put more oil on the market to reduce supplies, the administration was continuing to take oil off the market and place it into the SPR. Until recently, the DOE was depositing about 70,000 barrels of crude oil per day into the SPR, much of it high-quality crude oil ideal for refining into gasoline. It defies common sense for the U.S. Government to be acquiring oil at \$120 or \$130 per barrel, in a time of tight supply, taking that oil off the market, and putting it in the SPR. That is why I cosponsored Senator DORGAN's bill to suspend the SPR fill, as well as a similar provision in the Consumer-First Energy Act.

Finally, Congress had had enough of this senseless policy. The provision to stop the continuous filling of the SPR was pulled from the Consumer-First Energy Act and offered in the House and Senate as a stand alone bill. Congress enacted into law by an overwhelming vote. In response, the President finally called a halt to his policy and stopped filling the SPR. It is about time.

The SPR fill policy, by the way, exacerbated yet another problem in our oil markets—the fact that the standard NYMEX futures contract that sets the benchmark price for U.S. crude oil requires a particular type of high quality crude oil known as West Texas Intermediate, WTI, to be delivered at a particular location, Cushing, OK. The standard NYMEX contract price, in turn, has a major influence on the price of fuels refined from crude oil such as gasoline, heating oil, and diesel.

Because the price of the standard contract depends upon the supply of WTI at Cushing, OK, the supply and demand conditions in Oklahoma have a disproportionate influence on the price of NYMEX futures contracts. That means when the WTI price is no longer representative of the price of U.S. crude oil in general, the prices of other energy commodities are also thrown out of whack. In other words, we have an oil futures market that reflects the supply and demand conditions in Cushing, OK, but not necessarily the overall supply and demand situation in the United States as a whole.

I have long called for reform of this outdated feature of the standard NYMEX crude oil contract. In 2003, the PSI report recommended the CFTC and NYMEX to work together to revise the standard NYMEX crude oil futures contract to reduce its susceptibility to local imbalances in the market for WTI crude oil. The subcommittee report

suggested that allowing for delivery at other locations could reduce the volatility of the contract. It is truly disappointing that since our report was issued no progress has been made for allowing for delivery at other places than Cushing, OK. As the price of oil has increased, the distortions and imbalances caused by the atypical nature of the standard contract have gotten worse. It is essential NYMEX repair its crude oil contract.

Putting the cop on the beat in our energy markets, strengthening oversight of U.S. energy commodities traded on foreign exchanges, stopping the SPR fill, and fixing the NYMEX crude oil contract all focus on problems caused by rising energy prices. These consistently rising gas prices also underscore the need to develop advanced vehicle technologies and alternative energy sources that will significantly reduce our dependence on foreign oil.

I have long advocated advanced automotive technologies such as hybrid electric, advanced batteries, hydrogen and fuel cells and promoted development of these technologies through Federal research and development and through joint government-industry partnerships. We need a significant infusion of Federal dollars into these efforts to make revolutionary breakthroughs in automotive technologies. Such an investment will make technologies such as plug-in hybrid vehicles affordable to the American public and reduce our dependence on oil and reduce prices at the pump.

We need an equally strong investment in development of alternative fuels that can replace gasoline. I have strongly supported efforts to increase our production of renewable fuels and to do that in a way that will also reduce our greenhouse gas emissions. We need a strong push toward biofuels produced from cellulosic materials, which requires a significantly greater Federal investment in biofuels technologies. Cellulosic ethanol has enormous potential for significant reductions in greenhouse gas emissions, but additional Federal support is required to make this technology financially viable. We need expanded Federal research and development grants as well as increased tax incentives and Federal loan guarantees to make cellulosic ethanol a viable replacement for gasoline. The Federal Government must do its part first to develop these technologies so that they will then in turn be within reach of the American public.

One more point. The burden of higher energy prices is not being shared equally. To the contrary, it is falling hardest upon those who can least afford it. Large oil companies are reaping record profits at the expense of the average American who ultimately bears the full burden of these price increases. At the same time that average Americans are having to devote a greater and greater portion of their income to pay for basic necessities, such as gasoline, household utilities, and food, the major oil companies are reporting record profits and

their executives are taking home annual paychecks of hundreds of millions of dollars. Many of these profits have been generated without any additional investments into energy production. Rather, these companies have seen their profits rise with the flood of speculation. What is a high tide of profits for the oil companies, though, is a tsunami that is overwhelming millions of Americans.

And what are these oil companies doing with these record profits? Are they investing in new technologies? The answer is that the oil companies are not increasing their exploration and development investments by nearly as much as their profits are increasing. Instead, they are devoting large amounts of their profits to acquiring other companies and buying back their own shares. On May 1 of this year, the Wall Street Journal reported that in the first quarter of 2008 ExxonMobil spent \$8 billion to buy back company shares, which "boosted per-share earnings to stratospheric levels," whereas it spent less on exploration and actually reduced oil production.

For these reasons, we need to institute a windfall profits tax on the oil companies. We should incentivize big oil companies to invest their windfall profits into things that will increase our own domestic energy production by reducing the amount of the tax for such investments. If they don't make these investments, a portion of that profit should be recouped by the public to help offset the outrageous prices they are facing at the pump.

I have supported a windfall profits tax numerous times when we have voted on it in the Senate. The Consumer-First Energy Act, imposes a 25 percent tax on windfall profits of the major oil companies. Windfall profits invested to boost domestic energy supplies would be exempt from the tax, which would encourage investments in renewable facilities and the production of renewable fuels such as ethanol and biodiesel. It would also encourage oil companies to increase their domestic refinery capacity. Proceeds from the tax would be put toward measures to reduce the burdens of rising energy costs and increase our energy independence and security.

Sky-high energy prices are causing immense financial pain to working families and businesses throughout this country and tying our already weak economy in knots. Congress cannot just stand by; we must act now to stop the pain. Immediate steps include putting the cop on the beat in all of our energy markets to prevent price manipulation and excessive speculation, strengthening oversight of U.S. energy commodities traded in London, fixing the key NYMEX crude oil contract, investing in advanced vehicle technologies and alternative energy sources, and imposing a windfall profits tax on the oil companies. Longer range steps include fixing the fiscal policies undermining the strength of

the U.S. dollar, including by eliminating tax cuts for the wealthiest among us, reducing the \$12 billion a month spending bill in Iraq, and closing outrageous tax loopholes that enable tax dodgers to use offshore tax havens to avoid payment of taxes in the range of \$100 billion each year.

We can fight back against exorbitantly high energy prices. But it will take all our energy—and determination—to do it.

Mr. FEINGOLD. Mr. President, I am very disappointed that a minority of Senators blocked the Consumer-First Energy Act of 2008, which puts American consumers ahead of big oil companies and other corporate interests.

This bill would prevent price gouging and market manipulation from driving up the price of gas. The anti-price gouging language, based on Senator CANTWELL's bill that I cosponsored, would protect consumers from price gouging by sellers and distributors of oil, gasoline, or petroleum distillates during natural disasters and abnormal market disruptions. As a cosponsor of the Oil and Gas Traders Oversight Act, I also strongly support closing loopholes that allow traders using overseas markets to secretly bid up the price of oil and saddle Americans with the price at the gas pump.

Today's vote on the Consumer-First Energy Act of 2008 was an opportunity to stand up to the OPEC cartel and force big oil to pay their fair share. I have long supported the efforts of the senior Senator from Wisconsin to make oil-producing and exporting cartels illegal and make colluding oil-producing nations liable in U.S. court for violations of antitrust law. Our oil companies can also be part of the solution. This bill would have encouraged them to invest in clean, affordable, and domestically produced renewable alternative fuels, expanded refinery capacity and utilization, and renewable electricity production.

Last year's Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 put our Nation's energy policy on a new path: one that encourages renewable energy, conservation of the resources we have, and American innovation. But we have more work to do, and today's vote is a step back in those efforts.

I will continue to support both short- and long-term solutions to our Nation's energy needs that protect American consumers while working to invest in renewable and alternative energies and break our addiction to oil.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mrs. MCCASKILL. I will speak for 5 minutes. I would appreciate it if you would let me know when I have 1 minute.

Mr. President, you know this is not complicated. You would have to not be

walking around in the United States of America to not feel incredible pressure at this moment. I feel so lucky to be in the Senate, and I feel such a responsibility to communicate the pressure we are all feeling from people who are hurting.

Let me run through a few facts.

Since 2002, profits for the five largest oil companies have quadrupled. Let me say that again. Since 2002, profits have quadrupled. Last year, ExxonMobil made \$83,000 a minute in profit—\$83,000 a minute.

Now, are they using all this profit to invest in alternative fuels? How about increasing refinery capacity? Oh, no, no. They have their hand out to us. This is the nerve. Insanity is doing the same thing over and over and thinking you are going to get a different result.

We are paying oil companies right now. This is the largest package of corporate welfare this country has ever delivered. What nerve does it take for us to give oil companies \$17 billion in taxpayer money with those kinds of profits?

This is like the "twilight zone." This cannot be real. We cannot honestly be standing here and saying to the American people: It is a great idea for us to keep giving them your money when they are making \$83,000 a minute.

I was reading the paper this morning, and nothing is more expensive than ads in the New York Times. I ask unanimous consent to show an ad in the New York Times this morning.

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

Mrs. MCCASKILL. OK. This is it: a two-page spread. Do you know what this costs you? A half a million dollars. A half a million dollars Exxon spent this morning. And guess what. They spent it yesterday morning, and they are going to spend it tomorrow morning. It is a series—all about what a great job they are doing for the American people.

They are spending \$2.5 million in the New York Times this week, while Missourians in rural Missouri are scared they cannot go to work anymore. They have no bus they can take. They have no metro they can take. They are trying to figure out how they can drive to and from work, how they can put food on the table, and these guys are spending \$2.5 million on PR. It is unbelievable.

We have given big oil, in 2004 and 2005, tax breaks worth over \$17 billion over the next decade. What does the other side say? We need to give them more. We have to pay them to increase refinery capacity. Excuse me? We have to pay them—the taxpayers of this country? I do not know how out of touch we could be. We are not asking for a lot. Just take away the taxpayer money. We do not begrudge people profit.

Now, here is what is unbelievable. I do not know how this bill would turn out if we debated it—

The PRESIDING OFFICER. That Senator has used 4 minutes.

Mrs. McCASKILL. Thank you, Mr. President.

I do not know how this bill would turn out if we debated it honestly, but I do know one thing. We have a choice in about 5 minutes. We can do nothing or we can work as hard as we know how to do something. If the choice—if the choice—is to do nothing, then I hope the people of this country rise up and scream like they have never screamed before. How dare us do nothing.

That is what they are about getting ready to vote on. They are going to say: We are not going to even let you proceed to try to do something about this problem. It takes a lot of nerve. It takes a lot of nerve.

Mr. President, I yield the remainder of the time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank you.

I thank the Senator from Missouri for her comments. They were right on.

I rise today to call for action by the Senate on an urgent problem facing this country, facing the State of Montana: gas prices.

The national average now, we just found out last weekend, is \$4 a gallon. I remember when gas was \$1.46. It was not that long ago. It was before the Bush administration took over. That was before the war in Iraq, before speculators and market manipulators spiraled out of control, before that \$17 billion Bush tax cut for our Nation's biggest oil companies.

These gas prices hurt. They especially hurt hard-working people in Montana and across rural America. In my State, nearly everybody has to drive to work. There are not other options. We do not have a subway system. We do not have other means of mass transit. Whether it is on a tractor or behind the wheel of a truck, a lot of folks rely on horsepower and the fuel to supply that horsepower to get their work done.

Of course, high gas prices means high prices for consumer goods. It means fewer jobs. Middle-class families are getting pinched hard by these high gas prices. For low-income folks, high gas prices are unbearable. They do not need to see headlines like in Newsweek this week to know our economy is in trouble. People are already feeling it. Yet we have seen no solutions from this administration.

I am not even convinced this administration considers rising gas prices a problem. Earlier this year, a reporter asked President Bush what advice he had to consumers facing \$4 a gallon gas. He was visibly surprised and asked the reporter where he had heard that.

Well, working folks and small businesses have felt the pain for some time now. Our farmers all over rural America have known it for quite a while. Our trucking and transportation industry has felt it hard for a long time. The cost of diesel fuel that powers our tractors, our combines, and our trucks that

take food to the grocery stores hit \$4 back in April. It is closing in on \$5. Every working family and small business and farmer and trucker is taking a hit—a big hit—on these fuel prices.

That is why I am supporting these two packages today that go to the root of the problems of high gas costs. They offer some solutions.

The Consumer-First Energy Act will go after commodity speculators who are manipulating the market. It needs to be done. It will let the Justice Department go after the illegal OPEC oil cartel in court. It needs to be done. It will put a stop to the big tax giveaways the last Congress gave to big oil, which needs to be done. It will protect consumers from price colluders and price gougers. This needs to be done.

This bill will immediately put a stop to the financial gimmicks that have driven up the cost of oil past the laws of supply and demand. If you do not think speculators are playing with the markets, and they are having a big impact, let me remind you of the Enron collapse, the dot-com bust, and the demise of the housing market. It is all happening in oil right now.

When Wall Street investment banks faced trouble a couple months ago, the Bush administration swiftly took action. But when American consumers have to tap into their savings or run up their credit card debt just to pay the price at the pump, the administration is nowhere to be seen.

The Consumer-First Energy Act is about solutions. They are solutions we need to invest in right now. We have the opportunity in the United States to drill for oil in places that make sense—eastern Montana, the western Dakotas, the Bakken field. And wouldn't you know, it is the smaller companies—not the big companies—that are going after those reserves. It is the smaller companies innovating, investing in the future, boosting domestic oil production right now, working with the folks in those regions, boosting rural economies.

My colleague, Senator BAUCUS, has again brought forward an energy tax package that will help extend some of the most successful and effective tax credits that are driving alternative energy development. He brought a similar package forward last year, only to have it narrowly defeated.

I hope we have a different outcome this time because our future energy system depends on new solutions, not old solutions. We have the ideas and the ambition, but we need to get on with new innovations in the marketplace.

It is time to resolve these energy costs and take a step toward solving our energy problems. We have to work together, and I am confident we can work together to find solutions to bring the costs back down.

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

The PRESIDING OFFICER. All time is yielded back.

## CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.

Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 146 Leg.]

## YEAS—51

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Grassley	Nelson (NE)
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Coleman	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden

## NAYS—43

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Barrasso	Domenici	Reid
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Specter
Burr	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Landrieu	Wicker
Craig	Lugar	
Crapo	Martinez	

## NOT VOTING—6

Byrd	Graham	McCain
Clinton	Kennedy	Obama

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3044.

The ACTING PRESIDENT pro tempore. The motion is pending.

Mr. REID. Mr. President, because the subway was broken, it made it difficult for some Senators to make it here in time. We had to extend the vote for quite a long period of time.

I have spoken to the Republican leader. I think we would be well served by having the vote on the next cloture motion. We will vote only on one of the judges now. We will come back after lunch and do the others. I will work the time out with the Republican leader. Hopefully, the first business we will conduct will be the votes on the other two district court judges. We won't have time to do them this morning. I will work with the Republican leader and we will come up with a time and give everybody ample notice about when the next vote will occur.

I ask unanimous consent that we have the vote on the first judge, the judge from Virginia, now, and that we then have the vote on the two subsequent judges at a time to be determined by the majority leader in consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 1 minute to explain the next vote.

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

Mr. BAUCUS. Mr. President, this vote is about jobs, energy, and paying our Nation's bills. There may be times when delay does not have a significant adverse impact. Today is not one of those days.

The bill before us is a good bill. It extends tax cuts that expired last December.

Companies across America are deciding whether to renew research contracts. Energy companies are deciding whether to buy and build wind turbines. These decisions support jobs.

This bill encourages the search for new and clean energy sources. Harnessing power from ocean waves. Capturing carbon emissions.

This bill also extends expiring individual provisions, including the teach-

er expense deduction and the tuition deduction.

And the bill pays for itself with provisions that are not tax increases. With gasoline topping \$4 per gallon, the American people do not want us to delay.

Is the bill perfect? No.

Will the Senate change it? Yes.

Let's get on with making those changes. I urge my colleagues to support the motion to begin debate on this bill.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute.

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

Mr. GRASSLEY. Mr. President, I ask my colleagues not to give consent to cloture at this time because there are a lot of matters in this bill that ought not be in here. We have matters in here for trial attorneys, and we have matters in here for Davis-Bacon.

We are talking about solving a housing crisis. This is not the way to do it. We ought to give more consideration to it, and not granting cloture is one way of giving greater consideration to what we are going to do.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Barbara Boxer, Sherrod Brown, Robert Menendez, Kent Conrad, Daniel K. Inouye, Byron L. Dorgan, Jon Tester, Richard Durbin, Patty Murray, Max Baucus, John D. Rockefeller, IV, Maria Cantwell, Frank R. Lautenberg, John F. Kerry, Blanche L. Lincoln, E. Benjamin Nelson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 147 Leg.]

#### YEAS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Smith
Casey	Levin	Snowe
Conrad	Lieberman	Stabenow
Corker	Lincoln	Tester
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

#### NAYES—44

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bennett	Domenici	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Specter
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Collins	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	

#### NOT VOTING—6

Byrd	Graham	McCain
Clinton	Kennedy	Obama

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. SNOWE. Mr. President, I rise to urge my colleagues to join me in voting to proceed to the tax extenders legislation on the floor. This legislation represents a fiscally responsible and balanced approach to ensure that necessary tax provisions for hardworking American families and indispensable small businesses do not expire.

At a time when our economy teeters on the brink of recession—when unemployment increased 5.5 percent last month—the biggest monthly jump in 12 years—when gasoline at the pump is more than \$4 a gallon and climbing, when the cost of a dozen eggs has risen 38 percent in the last year alone, when oil costs are set to reach \$140 per barrel and analysts are predicting a rise to \$150 by July 4th, and when foreclosures have hit historic levels—is there any question that the American people expect—even demand, not just action but action leading to results. We must forge together the results that address these central issues facing the U.S.



economy and the millions of Americans who are anxiously awaiting action from leaders. And while Congress will be forced to make difficult choices on some of these issues in the coming months, this issue—whether to extend critical tax incentives right now should be, frankly, a straightforward decision.

And now before us is legislation that would extend critical energy tax credits—including the catalyst that caused a 45-percent growth in wind energy last year and energy efficiency tax credits that creates an incentive to reduce energy demand. And we are really debating this question when we saw oil rise by \$11 per barrel in a single day to \$139? To be blunt, this country must wake up and recognize the ramifications of an energy crisis that we have not addressed for 30 years—and counting. Dr. Cooper of the Consumer Federation of America has estimated that from 2002 to 2008 annual household expenditures on energy increased from about \$2,600 to an astonishing \$5,300. The impact in Maine, where 80 percent of households use heating oil to get through a winter, is even worse. Last year at this time, prices were at a challenging \$2.70 a gallon—for the average Mainer who goes through 1,000 gallons of oil that is \$2,700. The price now is \$4.70 meaning that it will cost a Mainer \$4,700 just to stay warm not even considering gasoline costs. That is the difference between a burden and a crisis.

Indeed, the energy efficiency tax incentives and the renewable production tax credit—critical vehicles for moving our country to self sufficiency—are set to expire at the end of this year and some have already expired at the beginning of this year. This is the antithesis of the energy policy that our nation must be employing to address rising energy costs.

Energy efficiency is singlehandedly the most effective investment that our country can make to address the calamity of our energy policy. It is derelict that we would allow energy efficiency tax credits to expire. In fact, some tax credits have already expired, and as a result, there are currently no incentives to purchase efficient furnaces. At a time when Americans are worried about heating bills in June, we must provide the assistance to allow Americans to invest in energy efficient products that will reduce our collective demand for energy, and save Americans money.

For example, included in this package is a \$300 tax credit to purchase a high efficiency oil furnace, which would save over \$180 in annual savings for an average home—according to calculations based on Department of Energy data and recent home heating prices. In addition, this includes an extension of a tax credit for highly efficient natural gas furnaces that saves an individual \$100 per year. However, this tax credit ended at the beginning of this year—right when oil prices began their historic climb.

For businesses that are competing against countries that subsidize oil the

situation is simply untenable. Two weeks ago, Katahdin Paper Company announced that the cost of oil used to run its boilers has caused the company to consider closing the mill's doors. Now, talks are under way to find alternative solutions to preserve the mill's operations and its accompanying jobs, but make no mistake; we are at the tipping point where our economy could well be in ruins directly as a result of high energy costs.

With jobs being lost because of high energy costs, it is crucial that we invest in renewable energy jobs—that will put our economy back to work and invest in secure energy future. Indeed over one hundred thousand Americans could be put to work in 2008 if clean energy production tax credits were extended. However, because the incentives are set to expire this year, renewable energy companies are already reporting a precipitous decrease in investment due to uncertainty. Projects currently underway may soon be mothballed. Clean energy incentives for energy efficient buildings, appliances and other technologies, as well as additional funding for weatherizing homes, would similarly serve to stimulate 2008 economic consumption, lower residential energy costs, and generate new manufacturing and construction jobs. It is irresponsible to allow a bright spot in our economy, the renewable energy industry and energy efficiency industries, to falter, when the product of these industries are so essential to the future of this country.

Failing to act on these crucial incentives could choke off promising business investment in 2008 and miss an opportunity to address high energy costs, a critical contributor to sinking consumer confidence and our Nation's long-term economic challenges. Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. This bill presents another opportunity to raise the bar for our future domestic energy systems and energy efficiencies, benefitting our economy, our health, our environment, and our national security.

Not only does the legislation address these critical energy tax provisions, but also extends relief for lower and middle-income Americans, as well as small businesses. In particular, there are a number of provisions that I have championed that have been included by the House legislation and Chairman BAUCUS' amendment.

Fed Chairman Bernanke testified before the House Budget Committee earlier this year that, "a fiscal stimulus package should be implemented quickly and structured so that its effects on aggregate spending are felt as much as possible within the next twelve months or so." Without a doubt, one way to affect spending and help working Americans meet the challenges ahead of us and provide for the families is pro-

viding a tax rebate. Another measure that Senator LINCOLN and I have long championed would enable more hard-working, low-income families to receive the refundable child credit by reducing the income threshold for the refundable credit to \$10,000 and deindexing it from inflation just as it originally passed the Senate in 2001.

The consequences of inaction are serious for low-income Americans living paycheck-to-paycheck, and our proposal will ensure that those low-income, hard-working families that benefit from this credit the most receive it. And, I am very pleased that the House included a version of our proposal, one in which, I might add, would already be putting money in people's pockets had it already been enacted into law providing further economic stimulus during these challenging times.

To ensure that much needed capital investment reaches all corners of the country, the extenders package rightly includes an extension of the new markets tax credit. This program has proven extremely successful in encouraging investment and spurring growth in impoverished areas all across the country, both rural and urban. Senator ROCKEFELLER and I have championed extending this vital incentive with the New Markets Tax Credit Extension Act, S. 1239, a bill that enjoys the bipartisan support of 27 cosponsors.

To provide relief and equity to our Nation's 1.5 million retail establishments, most of which have less than five employees, I have introduced with Senators LINCOLN, KERRY, and HUTCHISON. This provision would reduce from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. If the motion to proceed passes, I believe that we will have an opportunity to address this inequity given the support for this provision expressed by the chairman of the Finance Committee.

In 2004, I fought for the inclusion of incentives to stop the flow of film productions offshore into the FSC-ETI bill. Consequently, I was very pleased to see the House include an extension of this vital incentive for film production companies planning whether and where to film. The House also included a critical modification to the incentive. Specifically, it would remove the \$15 million cap on film productions eligible for the incentive and instead limiting the deduction to the first \$15 million as the provision was originally passed in the Senate before being amended in conference. This is an issue that I have also worked on with my good friend, the senior Senator from Arkansas, and am so pleased with this provisions inclusion.

So as we can see, this bill provides the Senate an opportunity to consider a number of provisions that are vital in helping our economy weather the recent downturn it is experiencing. The provisions that I have just outlined



will unleash renewable energy projects creating jobs, provided targeted tax relief to low-income working families struggling to pay for the high cost of food and fuel, encourage an infusion of capital into rural and urban communities, provide tax incentives for retail businesses looking to grow their business, and help keep the jobs associated with film production within our borders. Not to mention, the tax extenders bill also includes provisions such as the R&D tax credit, the tuition deduction and the teachers classroom expenses deduction that are widely supported on both sides of the aisle.

Clearly, this tax extenders package is critical to Congress's ongoing efforts to reverse the economic slowdown that our Nation is facing. For the fifth month this year, U.S. employers have cut jobs including 49,000 in the month of May alone. The number of Americans filing first-time claims for unemployment benefits is at its highest level since October of 2004 and the increase in the rate was the largest since 1986.

The Senate should move forward on extending expiring tax relief. There are some aspects of the House bill that I believe should be improved upon, such as providing an AMT patch to stop the expansion of this mass tax. Some on the other side of the aisle believe we should at least attempt to pay for tax relief, a position I happen to agree with. Others on my side of the aisle believe that shouldn't continue to be a maintenance Congress, continually passing short-term temporary tax relief, a position that I also happen to agree with.

There are differences of opinion, but what is the Senate afraid of? What are we afraid of? To debate and to vote on various positions? Some of those issues and positions I would disagree with. But does that mean to say the Senate cannot withstand the conflicting views of various Members of the Senate? It is not unheard of, that both sides of the political aisle will have differing views. So, I would urge my colleagues to join me in supporting the motion to proceed. If the motion succeeds, I am hopeful that we can do what the Senate ought to do—that is find some common ground on an amendment process and a way forward to finally dispose of the legislation and enact this legislation sooner rather than later.

I came to this discussion to work on this issue, to debate, which is consistent with the traditions and principles of this institution, which has been its hallmark. That is why it has been considered the greatest deliberative body in the world. Unfortunately, it is not living up to that expectation or characterization, regrettably.

Let's have an open and unfettered debate, which is consistent with this institution that is predicated on our Founding Fathers' vision of an institution based on accommodation and consensus. You have to get 60 votes. So let's work it out. Let's clear this first

hurdle and proceed to the bill. My side of the aisle will still have another 60 vote threshold to ensure that their concerns are heard.

The Senate is based on consensus. It is based on compromise. It is based on conciliation. It is based on the fact that you have to develop cooperation in order to get anything done. It is not unusual. If historically we took the position: You missed your chance because there are disparate views, so that there would be no opportunity to further discuss or negotiate—we missed our chance? Are we talking about scoring political points? Are we talking about what is the best tax policy for this country?

I am concerned we are taking a political U-turn away from the message in the last election. I was in that last election. I heard loudly and clearly. I don't blame the people of Maine or across this country for their deep-seated frustration. They are right. There was too much partisanship and too much polarization.

What's required now is leadership. We need leadership for this country. They are thirsting for a strong leadership, an honorable leadership that leads us to a common goal. No one expected unanimity in the Senate but we would give integrity to this process to allow it to work and not cynically say who is winning and who is losing today politically. We are not shedding the political past. We have made a political U-turn. We are returning to it.

This isn't about party labels. This isn't whether it is good for Republicans or good for Democrats. It is what is good for America. It is not about red States and blue States. It is about the red, white, and blue. Fact is that with every day that we delay, there are millions of taxpayers in all 50 States who literally will pay the price for our inaction.

I hope we can find a way. What could be of higher priority than to be able to debate and to vote on our respective positions, to give a vote on AMT relief and expiring tax provisions that is so important that a majority of Senators support? Is there anyone in this Chamber who does not think we should extend expiring tax relief? I know we can build the threshold for the 60. It is imperative we do it. It is inexcusable, frankly, that on the process for debating, we cannot reach an agreement. We are failing the American people on a colossal scale. We are held up by arcane procedural measures that could be worked out, if only we reached across the political aisle.

If my remarks sound familiar, then well they should because regrettably I said much the same thing in February of last year at the start of this Congress on another pressing issue of our time. Sadly as we now approach the end of the first session of the 110th Congress, things seemed to have not changed very much. I would hope when we finally adjourn after hopefully extending this critical tax relief that

each and every one of us will return to our homes and when the clock strikes midnight on December 31, that we all make a New Years resolution to make the next Congress a more productive session with Members reaching across the aisle looking for consensus. If we do not, there is one thing that is for certain; the American public is watching.

#### EXECUTIVE SESSION

#### NOMINATION OF MARK STEVEN DAVIS TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mark Steven Davis, of Virginia, to be United States district judge for the Eastern District of Virginia.

The ACTING PRESIDENT pro tempore. We now have 10 minutes of debate equally divided between the chairman and the ranking member. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Missouri.

Mr. BOND. Mr. President, may I ask for 1 minute from the ranking member.

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

Mr. BOND. Mr. President, my thanks to the committee leaders for bringing forward the nominations to the Senate of Judge Greg Kays and Stephen Limbaugh to be Federal district court judges for the Western and Eastern District Courts of Missouri. Both Judge Kays and Judge Limbaugh are outstanding nominees for the Federal bench. They share bipartisan support, have fine legal minds, long records of public service, and represent the values and character of my Missouri constituents.

Both men's modesty matches the modest size of their Midwestern hometowns. But as we have seen so many times in our history, great men, men of learning, men of intellect and excellence, come from modest places.

One should not doubt this to be the case. Values of fairness, service, kindness, community, learning, self-reliance, and personal responsibility are those that we value in our constituents, in our small-town communities, and we should value in our judges. I think this confirmation process has succeeded in producing two such men.

I thank the Chair, I thank my ranking member, and I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have spoken to the chairman of the Judiciary Committee and to the Republican leader. We will enter a formal unanimous

consent for the RECORD at a subsequent time, but it appears at this time we will have a vote on one of the remaining two judges at 3:30, and the Judiciary Committee chair, Senator LEAHY, has agreed we will not have to vote on the second one. So there will be one vote on or about 3:30 this afternoon.

Mr. LEAHY. Mr. President, will the Senator yield on the leader's time?

I wanted to have a rollover on this one, and do the other two at whatever time the leader prefers by voice vote.

Mr. REID. I thank the Senator very much. That is wonderful. We can do those before lunch, then.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD the resumes of these three candidates. They were voted on unanimously by voice vote of the committee, and I think their confirmation is assured.

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

MARK STEVEN DAVIS

UNITED STATES DISTRICT JUDGE FOR THE  
EASTERN DISTRICT OF VIRGINIA

Birth: 1962, Portsmouth, Virginia.  
Legal Residence: Portsmouth, Virginia.  
Education: Longwood University, 1980-1982; no degree; University of Virginia, 1982-1984; B.A., May 1984; Washington and Lee University School of Law; J.D., May 1988.

Primary Employment:

Staff Assistant, U.S. Senator John W. Warner, 1984-1985.

Law Clerk to Hon. John A. MacKenzie, U.S. District Court, Eastern District of Virginia, 1988-1989.

Law Firm of McGuire Woods LLP: Associate, 1989-1996; Partner, 1996-1998.

Partner, Law Firm of Carr & Porter LLC (no longer in existence), 1998-2003.

Judge, Third Judicial Circuit of Virginia (Portsmouth Circuit Court), 2003-Present; Chief Judge, July 2006-Present.

Selected Activities:

Virginia State Bar, 1988-Present: Litigation Section Young Lawyers Committee, 1992-1996.

Board of Visitors, Regent University School of Law, 2004-Present.

American Bar Association, 1989-1993.

Federal Bar Association, 1990-1998.

Virginia Bar Association, 1989-Present.

James Kent American Inn of Court, 2005-Present: Pupilage Team Leader, 2007.

Chesapeake Bay Bridge and Tunnel Commission: Commissioner, 1999-2003; Secretary/Treasurer, 2000-2003.

Virginia International Terminals, Inc.: Board of Directors, 2000-2003; Secretary and Executive Committee, 2002-2003; Audit Committee, 2000-2003.

Recipient, Top 40 Under 40, Dolan's Virginia Business Observer Newspaper, 2001.

Recipient, Legal Elite Listing, Virginia Business Magazine, 2002.

ABA Rating: Unanimous "Well Qualified."

DAVID GREGORY KAYS

UNITED STATES DISTRICT JUDGE FOR THE  
WESTERN DISTRICT OF MISSOURI

Birth: 1962, Kansas City, Missouri.

Legal Residence: Missouri.

Education: No degree, Drury University, 1981-1982; B.S., Southwest Missouri State University, 1985; J.D., University of Arkansas School of Law, 1988.

Primary Employment: Attorney, Miller and Hutson Law Firm, 1988-1989. Assistant

Public Defender, Office of the Special Public Defender, 8/1989-12/1989. Prosecutor, Laclede County Prosecuting Attorney's Office: Assistant Prosecuting Attorney, 1988-1989; Chief Assistant Prosecuting Attorney, 1989-1991; Prosecuting Attorney, 1991-1995. City Attorney, Lebanon, Missouri, 1992-1994. Judge, State of Missouri: Associate Circuit Judge, Laclede County Circuit Court, 1995-2004; Presiding Circuit Court Judge, 26th Judicial District, 2005-present.

Selected Activities: Board Chairman, First Christian Church, 2007-present; Member, Missouri Task Force on Alternative Sentencing, 2006-2007; Certificate Recipient, National Judicial College, 2007; Recipient, Supreme Court of Missouri Permacore Awards, 2006 and 2007; Adjunct Instructor, Drury University, 1992-2004; Member, Laclede County Bar Association: President, 1992; Member, Missouri Bar Association.

ABA Rating: Substantial majority "Qualified"/Minority "Not Qualified."

STEPHEN NATHANIEL LIMBAUGH, JR.

UNITED STATES DISTRICT JUDGE FOR THE  
EASTERN DISTRICT OF MISSOURI

Birth: 1952; Cape Girardeau, Missouri.

Legal Residence: Cape Girardeau, Missouri.

Education: B.A., Southern Methodist University, December 1973; J.D., Southern Methodist University School of Law, December 1976; Masters of Law in the Judicial Process, University of Virginia School of Law, May 1998.

Primary Employment: Associate, Limbaugh, Limbaugh & Russell, 1977-1978; Assistant Prosecuting Attorney, Office of Prosecuting Attorney, Jackson, Missouri, 1978; Prosecuting Attorney, Office of Prosecuting Attorney, Jackson, Missouri, 1979-1982; Shareholder/Partner, Limbaugh, Limbaugh, Russell & Syler, P.C., 1983-1987; Circuit Judge, 32nd Judicial Circuit of Missouri, 1987-1992; Supreme Court Judge, Supreme Court of Missouri, 1992-Present; Chief Justice, 2001-2003.

Selected Activities: Missouri Bar, 1977-Present: Fellow, Missouri Bar Foundation, 1997-Present (Board member, 2001-2003). American Bar Association, 1977-Present: Life Fellow, American Bar Foundation; Litigation Section, 1985-Present; Judicial Administration Division, 1987-Present. The Federalist Society, 1993-Present. Judicial Conference of Missouri, 1987-Present: Legislative Steering Committee, 1989-1991; Executive Council, 1999-2003; Presiding Officer, 2001-2003. Supreme Court of Missouri Committees: Chair, Commission on Judicial Dept. Education, 1999-2001, 2005-Present. Appellate Judicial Commission for the Missouri Nonpartisan Court Plan: Chair, 2001-2003. State Historical Society of Missouri: Board of Trustees, 2005-Present; First Vice President, 2007-Present. Life Regent, National Eagle Scout Association. Political Advocacy and Legislative Achievement Award, Adoption and Foster Care Coalition of Missouri, 2001. Distinguished Alumnus Award for Judicial Service, SMU Dedman School of Law, 2007.

ABA Rating: Unanimous "Well Qualified."

Mr. WARNER. Mr. President, I rise today in support of an outstanding Virginian, the Honorable Mark S. Davis, who has been nominated by the President to serve as an article III judge on the U.S. District Court for the Eastern District of Virginia. I am pleased to note that Judge Davis also enjoys the strong support of my colleague, Senator WEBB.

Judge Davis has been nominated to fill the seat that was vacated by Judge T. S. Ellis, III, who has served as an active judge in the Eastern District of Virginia for more than 19 years.

I have had the privilege of knowing Mark Davis for more than two decades. He worked as an intern in my office while attending the University of Virginia, and then later, in 1984, he began his professional career as a staff assistant in my office before he went to law school. After earning his J. D. from the Washington & Lee University School of Law in 1988, he served as a law clerk for the Honorable John MacKenzie on the U.S. District Court for the Eastern District of Virginia.

Subsequent to his clerkship, he entered private legal practice, as a litigation attorney on cases before both Federal and State courts in several areas, including tort, maritime, and municipal and employment law. In 2003, the Virginia General Assembly unanimously confirmed him to serve as a judge on the Third Judicial Circuit of Virginia in Portsmouth, VA; today, he serves as chief judge of this five-judge circuit.

In my view, Judge Davis is eminently qualified to serve on the U.S. District Court for the Eastern District of Virginia. In addition to having the support of his home state Senators, he also received the highest recommendation of the Virginia State bar and the American Bar Association.

I thank the Judiciary Committee for favorably reporting this exemplary nominee to the full Senate, and I urge my colleagues to vote to confirm him.

Mr. WEBB. Mr. President, today it is my distinct pleasure to offer my support along with my colleague Senator WARNER for the nomination of Judge Mark Davis to be a judge on the U.S. District Court for the Eastern District of Virginia.

The career of this nominee is impressive. Judge Davis is regarded as a patient, thoughtful individual who exhibits the highest degree of ethical conduct and professionalism. After graduating law school, Judge Davis began his legal career as a law clerk to Judge John A. MacKenzie who served as judge on the U.S. District Court for the Eastern District of Virginia, 1988-1989. In 1989, Judge Davis joined McGuire Woods, LLP, where he worked as a partner from 1996 until 1998. Judge Davis has also worked as partner at Carr & Porter LLC, 1998-2003. Since 2003, Judge Davis has served on the Third Judicial Circuit of Virginia, and has been the chief judge since 2006.

The Virginia Bar Association rated Judge Davis as "highly qualified." Judge Davis's written opinions reflect his keen intellect, and the extent to which he values communicating his reasoning to counsel and litigants. Further, Judge Davis is active in myriad community and civic organizations. Judge Davis received his B.A. in government from the University of Virginia in 1984, and his J.D. from Washington and Lee University School of Law in 1988.

The Constitution assigns a critically important role to the Senate in the advice and consent process related to

nominations for the Federal judiciary. These judgeships are lifetime appointments, and Virginians expect me and Senator WARNER to take very seriously our constitutional duties. It is essential that the nominee be respectful of the Constitution, impartial, and balanced toward those appearing before him or her.

In light of these criteria, Senator WARNER and I undertook a careful and deliberative process to find the most qualified judicial nominees. Our collaboration involved a thorough records review and rigorous interviews. We are of the opinion that Judge Davis meets these high standards. He was on the joint list of recommended judicial nominees submitted to President Bush last year. We are pleased that President Bush has chosen to respect our diligent bipartisan work.

I want to thank you, Mr. President, for the opportunity to make these remarks about this outstanding Virginian. In particular, I want to express my gratitude for the expeditious way the Senate has moved the nomination of Judge Davis through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in commending Judge Mark Davis to each of my colleagues in the Senate; and I ask my fellow Senators to vote to confirm his nomination to the U.S. District Court for the Eastern District of Virginia.

Mr. SPECTER. Mr. President, I wish to use the balance of my time to talk about the procedures on the Energy bill.

I spoke yesterday about the problem created by the so-called procedure of filling the tree. It is my hope that we will return to the Energy bill and we will have an opportunity to offer amendments on the bill—the global warming bill, I should specify. Last week, I filed a series of amendments, and I hope we will return to the bill and will not have the procedure of filling the tree thwart the opportunity for Senators to offer amendments.

As I spoke at some length yesterday, we have devolved in this body into a procedure where the trademark of the Senate—that is, where a Senator is able to offer virtually any amendment on any matter at any time—has been undercut. This has been a practice which has been growing but was used not at all in bygone years. Senator Mitchell then used it 9 times, Senator Lott matched him with 9, Senator Frist matched him with 9, and Senator REID has now used it 12 times.

Regrettably, when the tree is filled—an arcane practice not understood very broadly—and then cloture is not invoked, people think that Republicans are opposed to considering global warming. The fact is that some 32 Republicans voted for cloture on the motion to proceed. So it is my hope we will have an opportunity to debate this very important subject and that there will be procedural steps taken so amendments can be offered. The tradi-

tion of the Senate in the past has been to have legislation offered, to debate, and if people are opposed, to filibuster, and to have the issues considered. But we have found in modern days that bills involving very important matters, such as the Ledbetter Fair Pay Act, Senate bill 1843, got very short shrift indeed. So it is my hope we will change the procedures.

I filed a resolution with the Rules Committee in February of 2007 to have a change in the rules, but in the interim I hope we can alter our procedures to take up these very important amendments.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

Mr. LEAHY. Mr. President, today the Senate will confirm three more nominations for lifetime appointments to the Federal bench.

The first nomination we consider is that of MARK DAVIS of Virginia to fill a vacancy in the Eastern District of Virginia, and I commend the Virginia Senators on this nomination. After years of controversial nominations, Senators WARNER and WEBB have worked successfully with the White House on a series of recent nominations for district and circuit court seats, including that of Judge G. Steven Agee of Virginia, who was confirmed to a seat on the Fourth Circuit last month.

I was pleased to accommodate Senator BOND's request that we proceed promptly in committee to consider the nominations of David Kays and Stephen Limbaugh to vacancies in the Western and Eastern Districts of Missouri. Both nominees have the support of Senator McCASKILL. I wish Justice Ronnie White, who went on to become Missouri's first African-American chief justice, had received similar consideration when President Clinton nominated him to the Eastern District of Missouri. Instead, more than 2 years after he was nominated, and 2½ months after he was reported out of the Judiciary Committee for a second time, his nomination was voted down on a party line vote, not a single Republican Senator voting to confirm him. I also recall many of President Clinton's judicial nominees who were stalled because of anonymous Republican objections to their politics or their practice area. One of the two nominees from Missouri that we consider today is Rush Limbaugh's cousin. A similar lineage would have resulted in a pocket filibuster when the Senate was controlled by a Republican majority during the Clinton administration. So today, in contrast to the treatment of President Clinton's nominees, we proceed to consider these two nominations.

I noted last week the sudden concern of the minority leader for district court nominations. Perhaps he did not have a chance to see my statement from earlier in the week in which I noted that with Republican cooperation, we have the opportunity this work period confirm five nominees already reported favorably by the Judiciary Committee? Of course, today we would have more than those five nominations on the Senate's Executive Calendar had Republicans not stalled this President's nominations of Judge Helene White and Ray Kethledge to the Sixth Circuit, and the nomination of Stephen Murphy to the Eastern District of Michigan. As I said last week, with cooperation from across the aisle, the Senate is poised to have confirmed four circuit court judges and 11 district court judges before the Fourth of July recess, confirming a total of 15 lifetime appointments.

I recall Senator SPECTER's frustration when he was chairman with a Republican majority at the end of the last Congress, and Republican holds prevented the confirmation of 14 district court nominations. Democrats on the Judiciary Committee had worked hard to expedite the nominations at the end of the last Congress. Many of them were for vacancies deemed judicial emergencies, including three in one Federal district in Michigan where several judges of senior status—one over 90 years old—continued to carry heavy caseloads to ensure that justice was administered in that district. Now, after the successful efforts of the Senators from Michigan in conjunction with the White House, I hope Republicans will not object to filling three more judicial emergency vacancies in Michigan.

The complaints by the minority leader and his party about district court nominations ring as hollow as their complaints that Senate Democrats did not make best efforts to meet the goal he and the majority leader set of moving three circuit court nominations by Memorial Day. As at the end of the last Congress with those 14 district court nominations, Republicans resisted expediting the committee's consideration of the Michigan nominations before Memorial Day. They badgered the nominees, and sent scores of written follow up questions. At the May 7 hearing, the Republicans chose to complain that the committee was moving too fast, before the committee had received updated ABA ratings on the nominations. They pressed Judge White with scores of questions, failing to pose those same questions to Mr. Kethledge, a candidate for the same circuit. They demanded an extremely rare closed hearing to further question Judge White. Given their actions and their resistance to the White House's package of nominations—nominations made by this President—they made it impossible for the Committee to consider and report the Michigan nominations before the Memorial Day recess.

We have now received the updated ABA rating for Judge White's nomination. She received a well qualified rating. That did not come as any surprise. She has served ably on the Michigan state appellate courts and acquired additional experience in the decade since she was nominated by President Clinton and the Republican Senate majority refused to consider her nomination.

Ultimately, the Republican-led Senate left open five vacancies on the Fourth Circuit and four on the Sixth Circuit. With the Agee confirmation last month, we have already reduced vacancies on the Fourth Circuit to less than there were at the end of the Clinton administration, when a Republican-controlled Senate had refused to consider any nominees to that circuit during the last 2 years of the Clinton Presidency. If Republicans cooperate in considering the Michigan nominees, we will have filled every vacancy in the Sixth Circuit. Overall, when Republicans ran the Senate and were stalling consideration of President Clinton's nominees, circuit vacancies rose from 11 to 26, and it reached 32 during the transition to President Bush. We are in position to reduce circuit vacancies by three-quarters, to an historic low.

In contrast to the Republican Senate majority that used the Clinton years to more than double circuit court vacancies around the country, the Senate has already reduced circuit court vacancies by almost two-thirds. We are poised to complete Senate consideration of the two Sixth Circuit nominations. If the Republican minority allows that progress, yet another circuit will be without any vacancies. In fact, we would reduce the total number of circuit court vacancies across the Nation to single digits for the first time in decades.

If instead we focus on the controversial nominations as the Republicans want, we run the risk of embroiling the committee and the Senate in months of debate, foreclosing the opportunity to make progress where we can. We saw what happened with our last contentious nomination—that of Leslie Southwick. It took 5½ months from the time of the hearing to his confirmation.

The minority leader and the Wall Street Journal continue to point to the confirmation of 15 circuit judges in 1999 and 2000. Sometimes, the number is 17. Of course, their mythical “statistical average” of selected years ignores the crises the Republicans had created by not considering circuit nominees in 1996, 1997 and 1998, the fact that they refused to confirm a single circuit nominee during the entire 1996 session, the fact that they returned 17 circuit court nominees without action to the White House in 2000, the public criticism of Chief Justice Rehnquist that helped moderate their stalling and the fact that they more than doubled circuit court vacancies while pocket filibustering Clinton nominees.

The minority leader only reaches this mythical statistical by taking ad-

vantage of the high confirmation numbers of Democratic-led Senates confirming the nominees of President Reagan and the first President Bush. They ignore their own record of doubling vacancies during the Clinton administration. They do not like to recall that during the 1996 session, when a Republican majority controlled the Senate during a Presidential election year, they refused to confirm any circuit court judges at all—not one. Their practice of pocket filibustering President Clinton's judicial nominees led Chief Justice Rehnquist, hardly a Democratic partisan, to criticize them publicly. Even he was appalled by the actions of the Republican Senate majority. In his 1996 Year-End Report on the Federal Judiciary, he wrote:

Because the number of judges confirmed in 1996 was low in comparison to the number confirmed in preceding years, the vacancy rate is beginning to climb. When the 104th Congress adjourned in 1996, 17 new judges had been appointed and 28 nominations had not been acted upon. Fortunately, a dependable corps of senior judges contributes significantly to easing the impact of unfilled judgeships. It is hoped that the Administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

When that shot across the bow did not lead the Republican Senate majority to reverse course, Chief Justice Rehnquist spoke up, again, in his 1997 Year-End Report on the Federal Judiciary. It was a salvo from a Republican Chief Justice critical of the Republican Senate leadership:

Currently, 82 of the 846 Article III judicial offices in the Federal Judiciary—almost one out of every ten—are vacant. Twenty-six of the vacancies have been in existence for 18 months or longer and on that basis constitute what are called “judicial emergencies.” In the Court of Appeals for the Ninth Circuit, the percentage of vacancies is particularly troubling, with over one-third of its seats empty.

Judicial vacancies can contribute to a backlog of cases, undue delays in civil cases, and stopgap measures to shift judicial personnel where they are most needed. Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal Judiciary. Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.

It was only after the scorching criticism by a Republican Chief Justice that the Republican Senate majority modified its approach in order to allow some of the nominations that had been held back for years to finally proceed. Having built up scores of vacancies, some were allowed to be filled while the Republican Senate majority carefully kept vacant circuit court positions to be filled by President Clinton's successor. It is in that context that Republican claims of magnanimity must be seen for what it was. It is in that context that the eight circuit confirmations in 2000 must be evaluated while the Republican Senate majority returned 17 circuit nominations to President Clinton at the end of that session without action.

In stark contrast, the Democratic Senate majority has worked steadily and steadfastly to lower vacancies and make progress, and we have.

I have placed the two Michigan Sixth Circuit nominations on the agenda for the committee's business meeting this week. With cooperation from the Republicans, we can consider and vote on these nominations at that time. That should provide the Senate with the opportunity to consider them before the Fourth of July recess, bringing to four the number of circuit court nominees confirmed this year. Four would meet the Republican average for 1996 and 2000, and beat their total in the 1996 session by four.

The history is clear. On June 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 66 judicial vacancies. Twenty were circuit court vacancies, and 46 were district court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. This year, by comparison there are just 47 total vacancies with only 11 circuit vacancies and 36 district court vacancies. After today, there will be just 44 total vacancies. If we can continue to make progress this month, the current vacancies could be reduced to fewer than 40, with only 9 circuit court vacancies and 30 district court vacancies.

When Republicans were busy pocket filibustering Clinton nominees, Federal judicial vacancies grew to more than 100, with more than 30 circuit vacancies.

When I became Chairman in the summer of 2001, we quickly—and dramatically—lowered vacancies. The 100 nominations we confirmed in only 17 months, while working with a most uncooperative White House, reduced vacancies by 45 percent.

After the four intervening years of a Republican Senate majority, vacancies remained about level.

It is the Democratic Senate majority that has again worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50 and are heading to less than 40. With respect to Federal circuit court vacancies, we have reversed course from the days during which the Republican Senate majority more than doubled circuit vacancies. It bears repeating—circuit vacancies have been reduced by almost two-thirds and have not been this low since 1996, when the Republican tactics to slow judicial confirmations began in earnest.

Consider for a moment the numbers: After another productive month, just 9 of the 178 authorized circuit court judgeships will remain vacant—just 9—a vacancy rate down from 18 percent to just 5 percent. With 168 active appellate judges and 104 senior status judges serving on the Federal Courts of Appeals, there are 272 circuit court judges. I expect that is the most in our history.

The President has not nominated anyone to 16 of the current judicial vacancies. He has refused since 2004 to work with the California Senators on a successor to Judge Trott on the Ninth Circuit. The district court vacancies without nominees span from those that arose in Mississippi and Michigan in 2006, to several from 2007 in Pennsylvania, Michigan, Indiana and the District of Columbia, to others that arose earlier this year in Kansas, Virginia, Washington, and several in Colorado and Pennsylvania.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies.

In fact, our work has led to a reduction in vacancies in nearly every circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

My approach has been consistent throughout my chairmanships during the Bush Presidency. The results have been positive. Last year, the Judiciary Committee favorably reported 40 judicial nominations to the Senate and all 40 were confirmed. That was more than had been confirmed in any of the three preceding years when a Republican chairman and Republican Senate majority managed the process.

Despite this progress, of course, some partisans seem determined to provoke an election year fight over nominations. The press accounts are filled with threats of Republican reprisals. The May 14 issue of *Roll Call* boasted the following headline: "GOP Itching for Fight Over Judges; Reid's Pledge to Move Three Before Recess Fails to Appease Minority." Then in a recent article in *The Washington Times*, we read that the Republican fixation on judges is part of an effort to bolster Senator McCain's standing among conservatives. There seem to be no steps we could take to satisfy Senate Republicans on nominations, because they are using it as a partisan issue to rev up their partisan political base.

The Republican effort to create an issue over judicial confirmations is

so sorely misplaced. Last month we experienced the greatest rise in unemployment in a single month in over two decades, bringing the total job losses for the first 5 consecutive months of this year to over 325,000. Americans are now facing increasing burdens from the soaring price of gas, high food prices, rising unemployment and a home mortgage foreclosure and credit crisis.

This year we have seen the worst plunge in new homes sales in two decades. The press reported that new home sales fell 8.5 percent in March, the slowest sales pace since October 1991, and the median price of a home sold dropped 13.3 percent compared to the previous year. That was the biggest year-over-year price decline in four decades. You would have to go back to July 1970 to find a larger decline.

Unfortunately, this bad economic news for hard-working Americans is nothing new under the Bush administration. During the Bush administration, unemployment is up more than 20 percent and trillions of dollars in budget surplus have been turned into trillions of dollars of debt, with an annual budget deficit of hundreds of millions of dollars. Last week, the price of oil soared to nearly \$139 a barrel, nearly twice what it was at this time last year. When President Bush took office, the price of gas was \$1.42 a gallon. Today, it is at an all-time high of over \$4.00 a gallon.

According to a recent poll, 81 percent of Americans today believe that our country is headed in the wrong direction. It costs more than \$1 billion a day—\$1 billion a day—just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq. That's \$365 billion this year that would be better spent on priorities like health care for all Americans, better schools, fighting crime, and treating diseases at home and abroad.

In contrast, one of the few numbers actually going down as the President winds down his tenure is that of judicial vacancies. Senate Democrats have worked hard to make progress on judicial nominations, lowering circuit court vacancies by almost two-thirds from the level to which the Republican Senate majority had built them. Any effort to turn attention from the real issues facing Americans to win political points with judicial nominations is neither prudent, nor productive.

Today we confirm three nominations for lifetime appointments. The first, Mark S. Davis, currently serves as Chief Judge of the Portsmouth Circuit Court, Third Judicial Circuit of Virginia. Prior to his appointment to the bench in 2003, Judge Davis worked in private practice at several Virginia law firms.

David Gregory Kays currently serves as the presiding circuit court judge for the Twenty-Sixth Judicial Circuit for the State of Missouri, where he has served since his first election in 2005. Previously, Judge Kays served as an

associate circuit judge for Laclede County Circuit Court in Missouri and as chief assistant prosecuting attorney in Laclede County.

Stephen N. Limbaugh is a supreme court judge and former chief justice on the Supreme Court of Missouri. Previously, Judge Limbaugh was appointed and then elected Circuit Judge for the 32nd Judicial Circuit of Missouri. Before his career on the State bench, Judge Limbaugh was an elected prosecuting attorney and also worked in private practice.

So today we make progress, and the Senate is likely to confirm three additional lifetime appointments to the Federal bench. I congratulate the nominees and their families on their confirmation today.

Mr. President, how much time remains on either side?

The ACTING PRESIDENT pro tempore. Two minutes twenty seconds for the Senator from Virginia, and 33 seconds to the Senator from Pennsylvania.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to yield 1 minute to the Senator from Virginia.

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

Mr. WARNER. Mr. President, I was very privileged to submit the name of Mr. DAVIS to the President of the United States, and I am greatly appreciative to the Senate to now come to the question of his confirmation. But I think it would be interesting if I were to point out to all those following it that this individual was a former member of my staff.

I think it shows the incentive of those many staff persons all throughout our system who contribute so much to the work of our individual Senators that they too can, through their service, lay the foundation to someday achieve this recognition by the Senate in which they worked.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. LEAHY. I yield to Senator WEBB on my time, Mr. President.

Mr. WEBB. Mr. President, I very quickly wish to associate myself with the remarks of the senior Senator from Virginia and to emphasize that we jointly examined a whole array of nominees for this position. This individual, perhaps because of and perhaps in spite of the fact he worked for the senior Senator from Virginia, is considered highly qualified by Members on this side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would commend one more time the two Senators from Virginia, both dear friends of mine, for the fact we worked as one

Democrat, one Republican with the White House to get us past this impasse. And I commend President Bush for withdrawing controversial nominees and working toward consensus nominees. That is why this nominee will go through, I suspect unanimously, in this body.

I also commend the two Senators from Missouri, Senators BOND and McCASKILL, for working together.

Has all time been yielded back?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is, Will the Senate advise and consent to the nomination of Mark Steven Davis, of Virginia, to be a United States district judge for the Eastern District of Virginia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 148 Leg.]

#### YEAS—94

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shelby
Cantwell	Isakson	Smith
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Stevens
Coburn	Kyl	Sununu
Cochran	Landrieu	Tester
Coleman	Lautenberg	Thune
Collins	Leahy	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wicker
DeMint	McCaskill	Wyden
Dodd	McConnell	
Dole	Menendez	

#### NOT VOTING—6

Byrd	Graham	McCain
Clinton	Kennedy	Obama

The nomination was confirmed.

#### NOMINATION OF DAVID GREGORY KAYS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

#### NOMINATION OF STEPHEN N. LIMBAUGH, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The ACTING PRESIDENT pro tempore. The clerk will report the remaining nominations en bloc.

The legislative clerk read the nominations of David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri; Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

#### VOTE ON NOMINATION OF DAVID GREGORY KAYS

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of David Gregory Kays, of Missouri, to be U.S. district judge for the Western District of Missouri?

The nomination was confirmed.

#### VOTE ON NOMINATION OF STEPHEN N. LIMBAUGH, JR.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Stephen N. Limbaugh, Jr., to be U.S. district judge for the Eastern District of Missouri?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS-CONSENT REQUEST—AUTHORITY FOR COMMITTEE TO MEET

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during this session of the Senate.

Mr. COCHRAN. Mr. President, on behalf of the Republican leader, I object. The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand the objection of my good friend from Mississippi. He was not objecting on his own but for someone else.

The hearing we were going to conduct was a hearing entitled "Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What Did the FBI Know About Them?"

This morning, Senator FEINSTEIN, as chair of the subcommittee, began chairing a very important hearing on interrogation tactics. The hearing featured a report by the Department of Justice inspector general on tactics at Guantanamo that amounted to torture. The hearing was interrupted by three floor votes, and the chair recessed the hearing until 2 p.m.

As you know, we have our weekly caucuses starting at 12:30. But now the minority is objecting to the committee meeting by invoking the 2-hour rule. What this means is that 2 hours after we come into session, there has to be consent to conduct hearings; otherwise, you have to do them during the first 2 hours we are in session. It is very rare there is an objection, but there is today. So I have no alternative but to recess the Senate this afternoon to allow the hearing to continue.

The Republicans may not want these abuses to come to light, but I think the American people have a right to know. This is part of a pattern of obstructionism by my friends on the Republican side.

I want the Senate to debate a bill to reduce gas prices and I want the Senate to debate a bill to extend tax credits for renewable energy, and now they do not want the Judiciary Committee to hold a hearing about coercive interrogation tactics. They can try to use Senate rules to silence these debates, but I will use the rules at this time to allow the Judiciary Committee to continue the hearing. As soon as the hearing is over, we are going to be out here to talk about gas prices.

I would hope this is framed with a picture that there is a Presidential election going on. We have one Presidential candidate who wants to do something about these high gas prices, wants to do something about the bill to extend tax credits for renewable energy, and we have another candidate who is opposed to this. We know who that candidate is: it is the Senator from the State of Arizona. And I would think that my friend, the Senator from Arizona, who is the Republican nominee, would be concerned about this delaying tactic not to allow the Judiciary Committee to hold a hearing on torture. That is what it amounts to.



## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:19 p.m., recessed subject to the call of the Chair and reassembled at 3:33 p.m. when called to order by the Presiding Officer (Mr. SANDERS).

## CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the debate time on the motion to proceed to S. 3044 be divided in blocks of 30 minutes for the next 2 hours, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes, and so on; that at the expiration of the 2 hours debate time be limited to 10 minutes each.

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

## RENEWABLE ENERGY AND JOBS CREATION ACT

Mrs. LINCOLN. Mr. President, I rise today to lend my strong support to the Renewable Energy and Jobs Creation Act. I wish to applaud the incredibly hard work that was put into this package by the Finance Committee and particularly Chairman BAUCUS. I also wish to congratulate our counterparts in the House Ways and Means Committee for their efforts in putting together this important piece of legislation.

I am so very disappointed—as we tried early this morning—that our friends on the other side of the aisle chose to block progress on this bill. It would have provided much needed tax relief to individual taxpayers and to businesses alike. I don't know about other Senators, but when I travel home people look to me and say: What are you doing to help us with this economy? We are paying \$4 a gallon for gasoline to get to our jobs, to get to school, to get to all of the things we need to tend to. We are concerned about the jobs we have lost in our State. We are concerned about the increase in unemployment. We have to do something about this economy. We have to do something about stimulating the economy of our country to grow on behalf of all of the millions of Americans out there who need us to help them.

This bill on which we were trying to proceed this morning could have done just that. It could have provided just the stimulus we needed to jump-start our economy. It would have been a good start. I think it is particularly frustrating not to be able to move on it in light of all of our current economic downturns. Taxpayers need this relief and they need it right now. We need to provide them every opportunity to keep this economy turning.

One of the things I think that comes from our businesses and individuals

across my State—and certainly across this country—is the concern of the unknown. We try to create in our Tax Code the types of incentives that will incentivize different cultural activities, such as the purchasing of a home and home ownership, but we also want to incentivize businesses to be able to grow and be competitive. If they don't know they are going to have that same tax treatment for more than 6 months, or in 6 months it is going to expire, how are they going to be able to make the reasonable business decisions to take the capital, which right now is very hard to come by, and invest in certain areas of their industry, to grow those jobs, and to grow those businesses that are out there in this great country?

This package would have done just that. It provides businesses that make investments in research and development with a tax credit. We are falling behind every year. Other countries across the globe are working hard to provide the kind of research and development they need to move into new industries for multiple reasons: job creation, obviously, as well as our environment. Look at nations, such as Brazil, which have lessened their dependence on foreign oil from 80 percent to 11 percent. They have invested in research. They have invested in developing renewable fuels. We have to do that too. This is the bill that would have started us moving on that pathway to investing in companies that cannot only provide us the good types of industries that would help us clean our environment but would have created the jobs that would have made the difference.

It also encourages infrastructure investment. One of the ways it does that is through the extension of the short-line rail credit which provides an incentive for the maintenance and expansion of our short line rail systems. When you come from a rural State as I do—we are very fortunate to have the major lines that come through our State to reach out to all of those small communities where we desperately need to create jobs—we need those short line rails that can connect to the major main line rails to take our goods and our services all across this great country into the ports that will take it to other countries with which we can compete. We need to give them the incentive to invest in themselves.

In talking to one of my short line rails, they said to me: You wouldn't believe the number of jobs we could create, the investment we could make, if we just simply knew that Congress was supporting us, that they are going to help us with that incentive we have had in the past and we want to continue.

The unknown is very frightening to businesses in this world we live in and in the economic times in which we are living. The margins right now are so slim, limiting their ability to compete with other modes of transportation,

but without a doubt they can provide a service to industries that are competing with industries across the globe.

This bill would have kept jobs at home through incentives to encourage domestic production of films, as one particular example. We are seeing our films being sent overseas and offshore because other countries are offering greater incentives. When you look at rural America, one of the strongest ways—and the quickest ways too—to see the investment and the revitalization of these small communities and their little downtown Main Streets is when somebody comes in to produce a film. They come in to produce a film, and they put a good picture on redoing that Main Street area. They bring in jobs; not only jobs with filmmaking, but they also come and eat in our cafes, and they use the shops and the other amenities that are there, keeping businesses at home.

But we can't do that if those film companies don't know that they are going to get good treatment, at least as good as they get in other countries. They have a bottom line to meet too. They take their film crews and all the dollars they are spending in making those films, and they go into other countries. We need to keep them at home. Those are good jobs for electricians and contractors, plumbers, and a whole host of other people.

I have a retired man at home, and they did a film—a made-for-TV movie—in my former Congressional District on the eastern side of my State, and he had two antique cars. You wouldn't have believed the difference it made in his life to be able to rent those two cars, those two antique cars to be featured in a vintage film and what it meant to his pocketbook as well.

The bill we have been trying to bring forward and were prevented this morning from bringing forward allows our financial services businesses to remain competitive globally through the extension of the subpart F exceptions for the active financing income. It provides access to capital to our communities that need it the most—our rural and low-income communities—through an extension of the new market tax credit, enabling our businesses to be viable overseas, and also making sure that the new and innovative businesses we want to see in our small and rural communities can actually happen, that they can be a part of this global community, and that they will have the same kind of advantages that other industries and other businesses in bigger parts of our Nation may have. All of these provisions provide a huge benefit to our American businesses and would most definitely help to stimulate our slowing economy.

In addition, the bill we were trying to bring up this morning provides very important relief for individual taxpayers. It includes tax cuts for college students, their families, and our teachers. With twin boys who are finishing



the sixth grade and starting the seventh grade, right now in my mind I have a tremendous appreciation for our teachers and what they give day in and day out, being able to offer them the opportunity of a Tax Code that is going to reward them for this incredible job they do.

I ask my colleagues—just as was my experience in the public schools of Arkansas—to look back and think of those wonderful teachers who have affected their lives. There are great teachers out there right now, and they need us because it is an institution and a business that, unfortunately, we are not seeing enough. We are hitting a brick wall. We are seeing more teachers who are retiring than we are seeing new teachers. What a great way for us in this country to show how much we believe in those teachers.

It includes an incentive for our senior citizens who want to take part in charitable giving. That is the IRA rollover. Every week I get a call in my office from the same gentleman. He took advantage of the IRA rollover to be able to give to his church. Every Sunday morning he goes to his Sunday school and talks to the people in his Sunday school class about this great opportunity of being able to give through these IRA rollovers. Well, all of his friends in his Sunday school class want to know if this is going to be the law. Can we do this? Should we do this? Is this something that is going to continue?

We can't even tell them that. We are being held back from doing so many productive things that would encourage not only individual involvement in being able to generate our economy and put the emphasis back on our economy from individuals, but also our businesses who need our help.

The bill also includes an AMT patch to ensure more middle-income taxpayers aren't going to be hit by the AMT this year.

It also has tremendous incentives for green jobs that we can grow in this country and looking at renewable fuels and all the many things we can do with those renewable fuels but also things such as wind—and we have had tremendous tornadoes in Arkansas—and wind mills, and energy from wind is not something we are really noted for doing. Our topography is not necessarily meant for that, like some other States. But we produce the blades for the windmills. That is hundreds of jobs in my State. Let me tell you, do you think those industries are going to want to continue to make the capital investment in the manufacturing of something that may or may not be used, because those other industries that are building and making that energy from wind don't know if they can depend on the tax credit—a tax incentive in the code that encourages the behavior of moving to a renewable energy source?

Mr. President, we have to move forward. We cannot keep standing here

fighting and bickering over whether we are going to proceed to talk about these things. We have to move forward and talk about them.

Most important is an issue I have worked on for years which includes a provision very near and dear to my heart, and that is a patch to the refundable child tax credit, to ensure that thousands of hard-working low-income families aren't locked out of this credit. I wish to take a few minutes to explain the child tax credit provision, which I have worked on with my good friend and colleague, Olympia Snowe.

As some colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, they don't qualify for the credit. The problem is, some of our working parents are working full time, but they still don't earn enough to meet the current income threshold to qualify for this tax credit, much less to receive a meaningful refund from it.

When first enacted, the income threshold for the refundable child tax credit was set at \$10,000. The threshold is indexed for inflation and thus has increased every year. For 2008, it is going to be \$12,050. Unfortunately, as many of us are aware, wages are not increasing at that same pace. For example, a single mother who earns the current minimum wage and works a 35-hour-a-week job, 50 weeks out of the year, fails to qualify for the refundable portion of the child tax credit. Even after the minimum wage increases next month, that mother still will not meet the income threshold.

That is what we want to encourage. We want to encourage people to work, to be able to change the cycle of poverty that exists for welfare today. We want to make sure individuals are encouraged to go to work, so that they can still take care of their children. Our children are our greatest resource. Why would parents who want to care for their kids not want to incentivize that.

It is absolutely wrong to provide this credit to some hard-working Americans while leaving others behind. The single working parent who is stocking shelves in a local grocery store is every bit as deserving as the teacher, accountant, or insurance salesman who qualifies for the credit in its current form. It is imperative that we address this inequity, and we must ensure our Tax Code works for all Americans, especially those working parents who are forced to get by on minimum wage.

I am extremely frustrated that our friends across the aisle chose to block action on this bill. I hope that we will reconsider this position, that we will look at the important value in all of these pieces of this legislation, and that we will come back again and go back to the drawing board and figure out how we can make this bill a reality.

Again, I applaud our committee chairman for putting this package to-

gether and trying to move it through the Senate in a timely fashion. There is absolutely no reason we should not see this package. It is a commonsense package. It makes sense for everybody concerned. We owe it to our American businesses that are trying to remain competitive. We owe it to our teachers, students, and the families paying college tuition. We owe it to our communities that are desperately in need of infrastructure and jobs. We owe it to our working families with children. No one should stand in the way of this package that truly will bring relief to so many Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I wish to speak today—as many of us have been doing—not just about the high price of gasoline but all of the pressures on American families that come with that. When I say “families,” I mean in the broadest sense of the word. The Presiding Officer has advocated on behalf of people who are suffering under the weight of high gasoline prices. He has been an articulate and forceful advocate for action. We are finally at the point where we are at least debating the action we should be taking.

I wanted to talk about prices. When the average American family goes to the grocery store or they go to fill up their tank or they try to pay for college or health care—just fill in the blank—it seems as if everything in their lives is going up when their wages are flattening out or sometimes actually going down. The price of everything is going through the roof, and at the same time we have record job losses. I don't know the exact number to date, but we have had tens of thousands every month, month after month after month. Some believe the most recent monthly job loss number is a record. But even if it is not a record or if we are off by a couple thousand, it is still far too high.

In Pennsylvania, this is not just a problem in inner cities where a lot of people's incomes are low; this is a problem across a State such as Pennsylvania. We have a State that has some large cities and bigger communities population-wise, but we have a very rural State. We have millions of people in Pennsylvania who live in so-called rural areas by the demographics. They have to travel great distances to get to the grocery store or to make transactions for business or to get their families to where they have to go. So gas prices, in some ways, disproportionately adversely affect those who live in rural areas or in small towns.

In Pennsylvania, we have—more than maybe any other State and sometimes as many States as you can talk about combined—a lot of two-lane roads. So the distance between one place and another isn't just the mileage but it is the roads you take. On a two-lane road, you cannot go as fast, and that adds to the difficulty and the reality of gas prices.

We also have a State that has a tremendous agricultural economy. All of those costs—the cost of energy and the cost of transportation and distribution—are going up for our farm families.

While all this is happening—and we know there are no easy solutions—we also see that, lo and behold, the big oil companies—in the last 5 years, the profits of the five largest oil companies—in 2002, the profits of the five largest oil companies was a measly \$29 billion. Last year, 2007, big oil had profits of \$124 billion. So it went from \$29 billion to \$124 billion in just 5 years. I think there are very few, if any, American families—especially middle and lower income families—who are under the weight of these costs I just talked about who have had their incomes go up three, four, or five times.

The reality is that big oil has gotten too much. Over and over again, their profits are going through the roof. This Government gave them tax breaks a couple of years ago to the tune of \$17 billion. So just at the time when their profits were taking off in a record way, this Government gave them, back in 2004 and 2005, \$17 billion in breaks. We have talked about taking away those breaks and allowing us as a government, as a family, to be able to say there is another part of the family over here that is hurting and we want to help them. I will do it very briefly in terms of our approach.

Basically, what Democrats have tried to do is to say: Look, we don't have to pretend we are helpless and sit back and say there is nothing we can do. We don't have a magic wand and there is no easy solution, but the idea of doing nothing and saying it is OK for oil companies to get these profits at a time when we could use that revenue for something else is ridiculous. Everybody out there knows it. They know, for example, that we can say we should have an excess profits tax. That makes sense. Now, if a big oil company comes in the door and says: You know what, we are going to do our best to reduce our country's dependence on foreign oil, we are going to be more efficient and put more into research and development and do the right thing for the American consumers, we are going to say: OK, then maybe your excess profits tax—the hit against an oil company—is not going to be as high. That is reasonable.

At the same time, a lot of people know that a high percentage of the increase in the price of a barrel of oil is from speculation by people on Wall Street who have money, power, influence, and the ability to get information like that and make a huge financial profit. We should crack down on speculation. We can do that. The Federal Government can do that. We should give the Federal Government the authority to do that. We should give the President—any President—the authority to crack down on price gouging.

So there is much we can do. Listening to the other side of the aisle, their solution is that we can drill our way out of that situation. Nobody believes that. There is no evidence that we can drill our way out of this. If anything, that keeps us dependent on oil—not just foreign oil.

I think this idea that we sit back and do nothing is really not worthy of a long argument. We have to end our addiction to oil. We have to take specific, targeted steps to not just reduce our dependence on foreign oil but to provide equity here for the American families.

I believe a lot of the solutions Democrats have talked about have been very practical—an excess profits tax, taking away those tremendous billions in breaks oil companies have had, and also getting tough on the speculators, the people making a lot of money in the market, is another very practical way. Democrats have offered a practical set of solutions. We are waiting for the other side to come up with their solution to the pressure felt by the American family.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, how much time remains?

THE PRESIDING OFFICER. There is 6½ minutes.

Mr. BINGAMAN. Mr. President, I am glad to come to the Senate floor and join my colleagues in talking about the unfortunate votes that were cast this morning—one to go ahead and consider legislation to try to deal with the price of gasoline. That was the first vote where, unfortunately, we rejected the effort to proceed to that bill. The majority of Republican Members chose not to proceed to that bill, which was unfortunate. The second vote was to proceed to a bill that has the effect of extending the provisions that are currently in the Tax Code and particularly to extend tax provisions that are intended to encourage clean energy development. I wish to talk about that second bill in particular because it is one I have been involved in and have followed and supported for some time now.

The incentives we have in current law to encourage alternative energy development—wind energy, wind energy farms, wind turbine farms, solar energy developments in this country—most of those incentives were put into place in the current form in 2005 when we passed the Energy bill. There was great fanfare and rejoicing when we passed that. The President signed that bill in my home State of New Mexico, in Albuquerque. He rightfully took credit for the fact that this was being enacted, and he talked about the importance of these energy tax provisions.

I did not realize when we did that in 2005 that it was the administration's intent to allow those tax provisions to expire at the end of 2008. I thought the

idea was that we would keep those in place long enough that we would provide incentives for people to pursue these alternative options.

We have now tried three times in this Congress to extend those energy tax provisions, and we have failed three times. So I rise to express deep disappointment and frustration with that vote. The implications of the vote are profound if we cannot persuade our colleagues to change their position. Clearly, if it is going to be our national policy that we are not extending these tax provisions, then we are going to suffer environmental consequences from continued reliance on power generated from fossil fuels; our efforts to reduce America's dependence on foreign oil will be cut short; our ability to create high-paying green jobs in these new energy sectors will come to nought; and our effort to promote research and development in these new industries will certainly not materialize. It is a sad day for us in the Senate; we are not able to move ahead and do this.

The first time this issue came up, the first time we tried to extend these tax provisions, the argument was that the offsets are the problem; you folks are trying to reduce the tax benefits enjoyed by the oil and gas industry in order to provide revenue to pay for these alternative energy tax provisions, and that is the objectionable part.

I did not agree with that argument. I voted to extend the alternative energy tax provisions and pay for it in that way, but I think the House of Representatives has heard that message and the House of Representatives has now sent us a bill, which is the bill we were trying to proceed to today, which does not try to pay for these extensions of alternative energy tax provisions by reducing tax benefits for the oil and gas industry. It leaves the oil and gas industry alone, and it finds some alternative ways to make up that lost revenue. The alternatives are ones which, to my mind, are very meritorious.

Of course, under our rules in the Senate that we have adopted in the Congress, we have to find a way to make up the revenue being lost. That is why we are pushing to do so, and it is the responsible thing to do. The alternative, of course, is to borrow more money from our friends overseas, to run up the deficit and let our grandchildren worry about it at some point down the road. That is not a responsible course.

One of the bill's offsets that we were trying to proceed to today would delay a tax benefit known as the worldwide interest allocation. That is a tax benefit that has not gone into effect. We would delay the effective date of it, again, for some period. There are a lot of corporations that have indicated to us they would support going ahead and delaying that benefit. This is not a tax increase from current law; this is keeping current law where it is.

The other offset would be to close a loophole that enables hedge fund managers to defer compensation by investing wages in offshore investment funds. This proposal would end that deferral, would require the hedge fund managers recognize the compensation that they receive as income when it is paid. This proposal does not increase taxes; it simply changes the timing of tax liabilities.

Describing this loophole, the New York Times says:

Many hedge fund managers are enjoying not only extraordinary profits, but the extra benefit of a system almost encouraging them to set up offshore accounts.

What we were trying to do in this legislation is to say let's not encourage them to set up offshore accounts by giving them tax incentives to do so. That is a reasonable position, and it is one that we should definitely be enacting into law. I know 44 Members of this Chamber voted "no" in our effort to proceed to consider this bill.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator's time has expired.

Mr. BINGAMAN. Madam President, I do not see additional colleagues here. I ask for an additional 2 minutes.

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

Mr. BINGAMAN. I appreciate it. As I said, 44 Members of the Senate voted not to proceed to consider this bill and instead, I gather, to protect a handful of hedge fund managers from having to pay the normal tax that ought to be levied on each American when they get compensated.

Clearly, I think we have lost sight of our priorities. I know this is an election year. I know there are powerful special interests that are always saying just vote no, always resist whatever is proposed. The simple fact is, if we are going to turn the page, if we are going to turn the corner on our future energy needs, we are going to have to move ahead and put in place some policies that will encourage alternative energy development. We have fallen short in doing that now three times in this Congress. I hope we do not continue to fall short. I urge my colleagues to reconsider this, and I hope the majority leader will find a way to bring this issue back to the full Senate, even this week, if possible, so we can get a positive vote to proceed with this legislation.

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

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

Mr. ENSIGN. Madam President, I rise today to warn the American people. There is a Trojan horse riding across our country and onto the Senate floor.

Its creators want everyone to believe that their climate tax proposal will clean the planet while causing minimum impact on our lives. They want us to believe that everyone will live happily ever after. However, this is not a legend or a fairy tale. Hiding inside this Trojan horse is a monster of a tax increase to pay for the largest expansion of the Federal Government since FDR's New Deal.

The nonpartisan Congressional Budget Office estimates that this proposal will cost the American taxpayer \$1.2 trillion dollars in taxes over just the first 10 years of this bill. And that tax bill is only expected to rise with time. With the hefty price tag and a huge expansion of bureaucracy, the legislation actually does very little, if anything, to improve the environment. The American people cannot afford to pay for this reckless attempt at energy policy. Instead, we should let American ingenuity lead the way toward exploration of American energy, expansion of renewable energy, and increased conservation.

This Climate Tax bill imposes a cap on greenhouse gas emissions that can be released into the environment by certain businesses, and this cap will gradually reduce every year until 2050. The bill creates allowances that gives companies the right to emit specific amounts of these greenhouse gases.

Some of the allowances will be distributed for free to various entities. The rest of the allowances will be auctioned to the highest bidder. These allowances can then be sold, traded, or transferred. The cost incurred by businesses to obtain these allowances will be passed on to consumers, hitting low-income households the hardest. But before we talk about the revenue windfall for the Government and about the people celebrating this legislation, let's discuss the victims.

First and foremost, this Climate Tax bill will cost our economy and our working families greatly. Restricting carbon dioxide emissions drives our energy supply down. Just as the bill hopes to do, the price of energy would increase. With gasoline prices already over 4 dollars a gallon and predicted to continue rising, we will all be hurting.

According to the EPA, this bill will increase the price of gas by at least 53 cents a gallon. 53 cents. In my home State of Nevada, this would translate currently into about \$4.68 a gallon at today's average price for regular gasoline. And gas prices aren't the only thing that will go up. Electricity bills will increase by 44 percent or more.

And the cost to our overall economy would be devastating. By 2030, the annual loss to the United States' gross domestic product could reach nearly a trillion dollars. The proposal is called America's Climate Security Act, but with millions of jobs being destroyed because of this bill, not many Americans are going to be feeling secure. Many of the jobs lost are going to be in the manufacturing and mining indus-

tries that support so many of our smaller and rural communities. These valuable jobs will be forced to move overseas to countries like China and India, where companies will continue to emit greenhouse gases freely and without constraint. In case you haven't noticed, we all occupy the same big greenhouse—the planet Earth. So Americans lose their jobs, but our air on our planet is still polluted.

In fact, this bill makes such a minor impact on the worldwide greenhouse gas emissions that any reduction in the United States is swallowed up by the uncontrolled and rapidly growing emissions of China, India, and other developing nations.

If emissions continue to increase in these countries, the problems resulting from the global warming predicted by many scientists may still occur.

It just does not make sense for us to dramatically restrict our greenhouse gas emissions if China and India do not do the same.

If this bill isn't good for our families, our economy, our workers or our environment, who is it good for? The special interests and Washington lobbyists. By auctioning off carbon emission allowances and giving away even more for free, there will be more than \$6 trillion dollars worth of allowances and offsets and funds to dole out to a hungry and a fierce pack of special interests. It's being called "environmental pork," and the wolves are going to be ready to pounce. Hundreds of billions of dollars of that pork won't even stay here in America. Instead, it will be given away to foreign governments and companies.

So do we stand by as the proponents trot around this plan that means new taxes, higher gas prices, higher electricity bills, and more bureaucracy? In fact, the only thing this proposal reduces are the jobs of hard-working Americans and our standard of living.

Now, don't get me wrong, we absolutely need comprehensive energy reform. Americans are hurting at the pump and their budgets are being busted by rising cooling and heating bills. As a Nation, we are too dependent on Middle Eastern oil—a resource that is too often in the hands of brutal dictatorships.

But as is often the case in our Nation's history, we must look forward to a policy that unleashes the innovative spirit of Americans, takes a common-sense approach to our challenges, and rallies everyone to the cause.

We do this by encouraging conservation, efficiency, and renewable energy expansion through incentives, not by imposing unworkable mandates and impossible timelines.

As we spend time debating this legislation today, crucial tax credits that encourage innovation in solar, geothermal, wind, hydropower, and other alternative energy technologies are scheduled to expire. America's energy security needs those tax credits, and Congress should act to extend them immediately without offsets. The Senate

took an important step toward that objective by voting 88 to 8—to include the bipartisan Clean Energy Tax Stimulus Act, which I sponsored as part of the Senate-passed housing bill. Now the House must act so we can send a bill to the President that can be signed into law as soon as possible.

With exciting energy technology on the horizon, we can't afford to let these tax credits expire. In Nevada, some innovative projects have already begun harnessing the power of the Sun and to provide energy to our residents.

Nevada Solar One in Boulder City is one of the largest capacity solar plants built in the world and generates enough electricity to power at least 14,000 households a year.

Nellis Air Force Base in Las Vegas has the Nation's biggest photovoltaic solar power system, which supplies 30 percent of the energy needs at that base.

Henderson has Nevada's first solar home community, where each home has a rooftop solar electric system that generates 4,400 kilowatts hours per year. And late last year, Ausra, Inc., selected Las Vegas as the site of the first U.S. manufacturing plant for solar thermal power systems.

The world's largest geothermal power producer is headquartered in Reno.

And Nevada is home to the only associate degree program in the Nation in energy efficiency.

This is the innovative spirit that has powered American progress for centuries and will continue to drive us toward energy security for the 21st century and beyond. Renewable energy is a large part of that security, and my renewable energy bill encourages further investment in all these technological advances.

I believe that energy efficiency is the key to increasing conservation of our nation's energy resources. For this reason, my bipartisan Clean Energy Tax Stimulus Act contains a number of meaningful incentives to put us on the path to greater energy efficiency and independence. My bill encourages Americans to make energy efficiency improvements to their homes and businesses. This bill also encourages appliance manufacturers to produce more energy-efficient appliances.

But we also need to grow America's energy supply so that our economy and our wallets are not in the hands of unpredictable and unyielding hostile nations. What can we do? We can open a new frontier in American energy. I'm talking about responsible exploration in the Arctic National Wildlife Refuge, or ANWR, recoverable oil in deep-sea resources, opportunities with oil shale, a new era of nuclear energy, and a push toward clean coal.

I know these projects are controversial. When I first started considering exploration of ANWR, I had serious concerns. Proponents and opponents have been very vocal on this issue. I sought out neutral information so that I could make an informed decision.

When you really get to the bottom of the debate over ANWR, you learn a few things.

Exploration of ANWR, which would not impact habitat and wildlife, would be limited to a tiny area, roughly the size of a postage stamp on a football field. With such a limited environmental impact, the benefit would be great. ANWR could generate more than 10 billion barrels of oil, enough to replace decades' worth of oil imports from Saudi Arabia. ANWR alone could save the United States \$40 billion dollars annually in money now spent buying oil from overseas. It would also create hundreds of thousands of jobs. Thirteen years ago, President Clinton vetoed legislation that would have opened ANWR for exploration. If he had signed it into law instead, 1 million barrels of domestic oil would be flowing into the United States every single day.

This is American oil that would create American jobs. I'd say that is a much better investment than filling the coffers of countries that despise America and use our money to further that hate.

And we can access more American energy through deep-sea exploration in the Pacific and Atlantic oceans. This doesn't mean we set up oil rigs on our beaches and our shores. Development would take place at least 50 miles offshore, well beyond the visibility from land and at the discretion of coastal State Governors. Again, with very limited environmental impact, the benefit would be great.

There are about 8½ billion barrels of recoverable oil and 29.3 trillion cubic feet of natural gas available through such deep-sea exploration.

Oil shale is another promising supply of American energy that could make us more self-reliant and less dependent on Middle Eastern oil. Oil shale can be mined and processed to generate oil. By far the largest deposits of oil shale in the world are found in the United States in the Green River Formation, which includes portions of Colorado, Utah, and Wyoming. If we estimate there are about 1.8 trillion barrels of oil from oil shale in the Green River Formation, it is three times greater than the proven oil reserves of Saudi Arabia. It is also important to note that more than 70 percent of oil shale acreage in the Green River Formation is under federally owned land. Another positive attribute of oil shale resources.

America has more than a 230-year supply also of coal. Making us the Saudi Arabia of coal. It would be irresponsible for us to ignore this valuable resource that is abundant and affordable. With the progress being made in clean coal technology, we need coal to balance our energy portfolio and make us less dependent on Middle Eastern oil.

Another energy supply that we can take advantage of right here on American soil is nuclear energy. America

was once the leader in this technology, but we are so far behind today that if we don't make drastic changes in our policy, we may never catch up.

Nuclear energy is clean and safe. It causes no air pollution, no water pollution, and no ground pollution. Nuclear energy in the United States has never caused a single injury or death. Unfortunately, only 20 percent of our electricity is coming from nuclear reactors. Doesn't make a whole lot of sense, does it?

We have several challenges when it comes to nuclear energy. President Carter outlawed nuclear recycling back in 1977. Another terrible blow came with the requirement that all radioactive byproducts be disposed of in a nuclear waste repository. Today, Britain, France, and Russia are recycling their nuclear waste, negating the need for a controversial repository, like Yucca Mountain. France has actually used nuclear power to produce 80 percent of its electricity for the last 25 years. France also manages to store all its high-level nuclear waste in a single room.

On the other hand, lawmakers in the United States have been throwing billions of dollars at a mountain in Nevada that is unsafe and unfit for nuclear waste storage. And why on Earth would we bury material that could be recycled into more energy? I also believe we must create incentives for the private sector to tackle the challenge of spent fuel storage. We know that Yucca Mountain is not an option. For this reason, I plan to introduce a bill to establish monetary prizes for achievements in the research, development, demonstration, and commercial application of spent fuel storage alternatives. In the past, prized competitions have been very effective ways of encouraging creative solutions to address difficult technological challenges.

Technology has led to tremendous progress when it comes to nuclear energy, coal, and many other energy fronts. As ranking member of the Commerce Committee's Subcommittee on Science, Technology, and Innovation, I have had the opportunity to delve into the latest advances, and they are exciting. I can tell you technology and innovation will be keys to overcoming our energy challenges into the future. No other single road—renewable energy, conservation, domestic supply—can get us there. But technology, together with these American energy resources, will help lift us from the control of unconscionable nations.

These are the answers to our energy challenges, not some ill-conceived fantasy legislation called America's Climate Security Act, that will only drive us into greater energy insecurity. We can, however, learn from history and if we open this Trojan horse, we shouldn't be surprised to be engulfed by hidden tax hikes, \$5 dollar-a-gallon gasoline, and an army of new Washington bureaucrats.

Instead, let us put our resources into American ingenuity. The innovation that has always come out of our inventors, scientists, and entrepreneurs will fuel our quest for energy security in the 21st century.

Ronald Reagan once said:

Preservation of our environment is not liberal or conservative challenge, it's common sense.

We need to come together to address this issue because it impacts every facet of our lives. I know that we can be champions of a commonsense energy policy that is environmentally responsible as well as economically responsible. Let's not look back on another 13 years and wish we had acted today. The price for inaction is clearly too steep.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding we have the floor until 4:36, if I am correct, which means I would not have time to make a presentation I wish to make on the bill that was pending, the one that we, fortunately, voted against cloture on earlier today. But let me make a couple comments, since I would not have time to do that.

First of all, I believe strongly that something wonderful happened last Friday. We have been fighting this battle for so long. People have been saying manmade gases—anthropogenic gases, CO<sub>2</sub>, and methane—were the major causes of climate change. I have to say, I believed that back 7 years ago, when I became chairman of the Environment and Public Works Committee. At that time we found out how much it would cost if we were to ratify the Kyoto treaty and live by its requirements. Fortunately, that amount we did not ratify.

As time went by, I noticed in 2005 we had the McCain-Lieberman bill, also a cap-and-trade bill, which also tried to pin the problem on manmade gases—CO<sub>2</sub>. I remember standing down here on the floor and some of the proponents of the bill were down here. In 5 days, only two Republicans from the Senate came down and joined me in this fight. It was lonely for 5 days. We explained to people, No. 1, the science wasn't there; and, No. 2, the cost to the average American would be comparable to a \$330 billion tax increase.

Then I went back and looked at the tax increase of 1993. It was called the Clinton-Gore tax increase that was, at that time, the largest tax increase in the last 20 years. That was only \$32 billion, so this would have been 10 times greater than that tax increase.

Then of course we came up with the bill in 2005. After 5 days we defeated it, but only two Republicans came down and joined me. I am so gratified that last week when we defeated the Lieberman-Warner bill, 25 Members came down and showed that they were not afraid to stand and tell the truth about the causes of global warming—the accusation of global warming, be-

cause global warming has not been taking place now since 2001. It never took place in the southern hemisphere. Last time I checked, that was part of the globe.

The problem was that no one would come down, but last week they came down, 25, and we defeated it. That would not have been comparable to an annual tax increase or cost to the public of \$330 billion, as the Kyoto treaty would have, it would have been some \$471 billion—a huge tax increase. But we did in our wisdom reject that. I feel very good about that.

There is something that has not been said that I think is necessary to talk about and that is we knew this was coming. The Senator from Nevada, Senator ENSIGN, talked about President Clinton's veto of the ANWR opening, the bill that was in December of 1995. What he didn't say was that we had voted in both October and November of 1995. The Senate voted to implement a competitive leasing program for oil and gas exploration and the development and production within the coastal plain of ANWR. That was actually passed. It was passed again on November 17, 1995. I will always remember that date because that is my birthday. It was voted on. Then of course a month later the President vetoed it.

Right down on party lines, in both November and in October of 1995, the Democrats voted against it, the Republicans all voted for it. Republicans want to increase the supply of energy in America. Those were three votes that show it. Again, in 2005—fast forward 10 more years: on March 16, 2005, the Senate voted on an amendment to the budget to strike expanding exploration on ANWR. The amendment to strike failed, 49 to 51. All the Republicans voted for the exploration, all Democrats voted against it.

Again, on November 3, 2005, 7 or 8 months later, the Senate voted on an amendment to prohibit oil and gas leasing on the coastal plain. The amendment failed 48 to 51; 48 Republicans voted against it and 40 Democrats voted for it.

June 2007—2 years later—the Senate voted on the Gas Price Act as an amendment. That was mine. You could have all the exploration you want, all the oil and gas you want, but if you cannot refine it, you are not going to be able to use it, so the Gas Price Act, I thought, was pretty ingenious. What we did was take those ailing communities that were adjacent to military communities, military bases that had been shut down by the BRAC process, the Base Realignment and Closing process, and would allow them to change that vacated area into refineries. It would save a lot of money because the Federal Government wouldn't have to clean them up to the standards of playgrounds; they could just be to the standards of refineries. It also provided that the Economic Development Administration would provide grants so people would be able to start

up refineries. It was killed right down party lines. Again that was 2007.

Then in 2008, May 13 of 2008, the Senate voted on an amendment to expand exploration in ANWR and to authorize drilling in offshore coastal waters. Again, it failed down party lines. I could go on.

The next one I had was 2 days after that the Senate voted on a motion to instruct the budget conferees concerning increased exploration on the Outer Continental Shelf.

What I am saying is this: The first thing we learn when we go to school is that at least American symbols are very strong. They help us to understand that supply and demand is still alive and well in this country. It still means something. If we do not expand the supply of energy in America, then the price is not going to go down, it is going to go up. That is exactly what the Democrats have done by refusing to let us explore for oil and gas as well as nuclear, clean coal technology, and the other forms we need to use.

When it gets down to it, we know the cause of it. We know also we do not want to use the Energy bill. I am very glad the Democrats' energy bill—which didn't have any energy in it, zero, none—went down. Now we want an opportunity to introduce an amendment we have that does allow us to increase the availability and the amount of energy in America—either oil and gas, nuclear, or clean coal technology, and all the rest, wind, and all the renewables also. We need to do that. It is a simple thing. We need to quit blaming each other. We know how we got to this position. Now we need to change our behavioral pattern.

Americans right now realize—gas is \$4 a gallon. I can assure you—I am not sure how it is in California and other States—in Oklahoma that is the No. 1 issue. In Oklahoma they understand supply and demand. We need to understand it in this Chamber too.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Is it my understanding the Democrats now have 30 minutes reserved? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Madam President, I was interested to hear my friend from Oklahoma, the ranking member on my Environment and Public Works Committee, talk about how much the Republicans care about gas prices after they just tanked our effort to deal with them. It is extraordinary what we are seeing here, right before the eyes of the American people.

Last week they said "no" to global warming legislation. Global warming is real. The Senator from Oklahoma reminds me of the people who kept saying: No, the Earth is flat. No, cigarettes don't cause cancer. He is lining up with those people.

The vast majority of scientists tell us global warming is real. He bragged

about how he beat us last week. Let me take a look at that. He said it was a wonderful thing that happened on Friday, when the Senate didn't get 60 votes to continue the debate on global warming and address it. He said it was a wonderful thing. I want to say to the 89 percent of the American people, who believe global warming must be addressed, because it is a moral issue that is facing us, because we have to protect this planet for our grandkids, because we need to get off foreign oil, have alternatives to foreign gas—and yes, in my State it is well over \$4—we have to address it. He is celebrating the fact that we fell short.

Let me tell you we fell short by only six votes. We fell short by six votes. We had 46 Democrats for dealing with global warming now, plus 8 Republicans—54. We needed 60. He is celebrating.

We are going to be celebrating come November because we are going to have a President who is going to work with us on global warming legislation and we are going to have six more votes here in the Senate, I can predict. Because my friends on the other side of the aisle—with a few exceptions, very few—are fierce defenders of the status quo.

Let me repeat that. The leadership in the Republican Party and the vast majority of Republicans, save a handful, are fierce defenders of the status quo. They say no to global warming legislation which will get us off foreign oil, which will get us off big oil. They say no, today, to going after the speculators, going after big oil, making them disgorge some of that money so we can invest it in alternatives; going after OPEC and saying: If you are colluding, you are going to be held accountable.

They said: No, no, no. Yes, to the status quo; no to positive change for the American people.

They come down to the floor and they are happy about it. It is unbelievable to me.

The wonderful thing that did happen on Friday is we reached a high water mark. We reached 54 votes. The last vote on the global warming bill, it was 38.

The even more wonderful part is out of the people who were absent, who sent in letters who said they were with us, were the two Presidential candidates. So all that talk about celebrating the fact that we stopped global warming legislation is kind of a death rattle, in my opinion, for those people who do not believe they have to address this challenge of our generation.

I am looking at the young people here today, their beautiful faces. They deserve to have a good life in the future. I want to say to them today: You are here in an historic time because the window is closing for action. With global warming, if you don't act, you lose valuable time, because the carbon stays in the atmosphere for so long it becomes more difficult to get it out of the atmosphere.

Last week we came up six votes short even though we reached a high water mark on the bill. At the end of the day we now have a roadmap for change—46 Democrats voted yes to tackle global warming, 8 Republicans voted yes. What does that tell you about the two parties?

When I took the gavel in January after the Democrats took back this majority by only the slimmest of margins, I said I wanted to put global warming on the map because under the leadership of my colleagues on the other side of the aisle we did nothing to address it. The President has basically—and we know this for sure—interfered with the scientists in his own administration and not allowed the facts to be told. So we had 25 hearings.

The second thing I wanted to do is make it bipartisan. JOHN WARNER said, "I am with you. I care about my grandkids. I care about national security." The Naval Academy did a very important study that this is going to be the No. 1 cause of wars in the future as we have desperate refugees running away from droughts and famine and flooding and all the rest, and rising sea levels. When JOHN WARNER came across, I knew I had accomplished that. He did it for me. He made it bipartisan.

Then we got the strong bill out of the committee, we improved it, we got it to the floor, and we knew it had a lot of work. We got a letter from 10 people who voted for it who said: Look, Senator, and HARRY REID, we need to work on it. We understand that is what we have to do when our next President says let's go, let's get a bill through. So I think it is appalling that my ranking member of the Environment Committee would come down here and celebrate the fact that we were not able to move forward on global warming legislation, and furthermore said it is not real. He brought that out again.

I do thank those who engaged in the debate, both pro and con. It was a landmark debate. I only regret that the Republicans filibustered and we had to take the bill off the floor because we could have gotten a very good bill. It was a very good bill to start with and we could have worked on it and made it even better.

But, come November, we will see whether I am right or wrong. I think I will be right. One of the reasons I am right, and I believe we will have Senators here who are going to be hospitable to global warming legislation, is because we also need Senators who are hospitable to doing something about gas prices.

This is an amazing chart. Since George Bush got into office—do we remember this? He and DICK CHENEY were oil men. One of the reasons they urged for getting elected is: We know how to deal with the oil companies; leave it to us. We know how to deal with the Saudi Arabian princes; leave it to us. We will deal with it.

They dealt with it. There was a 250-percent increase in the price of gas—

\$3.94. This is old. It is now \$4. This I used last week. It is already old; today it is \$4. In my State it is about \$4.40. You can't keep up with the increases in the price of gas. This is what we are facing.

So in the Senate today we said: All right, they said no to global warming legislation—which was a long-term answer to big oil.

What we would have done is we would have had a cap-and-trade system that would have put a price on carbon, gone between the free marketplace, and that would have led to trillions of dollars, I say to my friend, trillions of dollars in investments by the private sector, cellulosic fuel, automobiles that get 150 miles per gallon, electric cars, all the rest. That is the long-term solution pushing down demand. We all know that. Pushing down demand.

Now, the other side will say if you drill in a wildlife refuge it will solve your problems. No, it is false. Put aside that Dwight Eisenhower, a Republican President, set aside the Alaskan Wildlife Refuge and said this is a precious gift from God; set it aside. What are you going to do to God's creatures by drilling over there? Forget it.

Put it aside for the moment and talk about what you get. You get 6 months' worth of oil. You cannot drill your way out of this. Someone said—I think it was Senator MENENDEZ who made a great analogy. He said: Everybody says we are addicted to oil. Even our own President says we are addicted to oil. Let's say someone was addicted to drugs. Is the way to get them off drugs to give them 6 months' more worth of drugs? Does that help? No. No. No.

We need to figure out a way to get off of foreign oil, get away from big oil, because we know the developing nations are gobbling it up. And we also know we have done so little, so little to address the issue of energy efficiency, fuel technology. It is a sad thing. We have lost so much time.

Today at gas stations across the Nation, the American people are suffering. They are facing sticker shock. They are having to choose, choose between something they might buy at the store for dinner and filling up the tank. That is a fact. That is a fact.

I will never forget when Vice President CHENEY first sat down for his closed-door meetings with oil executives and energy industry lobbyists, and we said: We want to know what you are talking about, Mr. Vice President. What is going on behind those closed doors?

And he said: Oh, I am working to make energy affordable.

You know what gas was? It was \$1.50. That is when he sat down with his friends in oil companies. We cannot find out what they talked about, but I can tell you this: Whatever they talked about was good for them, was good for the oil companies, was good for big oil. Gas is \$4.40 a gallon in many California locations. I have seen gas prices as high as \$5 in my State. So we have secret meetings with DICK CHENEY with



the energy people, and gas went up 250 percent.

Again, these are old numbers. It is even worse. Gas went up 82 cents since January—82 cents since January. Again, it is even more than that now. It is way more than that, close to 90 cents.

In every case, you see the Bush administration saying they are going to do something. They never did anything. A lot of talk, a lot of yack, a lot of visits with Saudi Arabia, a lot of kissing on the cheek with the princes, holding hands. We saw the picture. What happened? This. Straight up. Two oil men in the White House. Is it any wonder?

Many of us said at the time, other people said: It is terrific, two oil men at the White House. They will know how to deal with the oil companies. Well, they sure knew how to deal with the oil companies. The oil companies never had it so good. And my Republican friends right here, with few exceptions, have fallen all over themselves to give those very same companies huge tax breaks, even as they are making record profits.

Listen to this: Last year the oil companies pocketed \$124 billion in profits, up from \$29 billion in 2002. That means they have quadrupled their profits since 2002, four times. Let's think about it, America. What happened to your salary? Did your salary quadruple? I think we know the answer to that.

We know Americans are losing ground. The average family is losing ground, thousands of dollars in lost revenue. Their salaries are not keeping up with inflation. The price of gas is out of sight. It is hard for them to get health care. Health care costs are out of sight. Food prices are going up. Everything is going up—tuition.

But what do my friends on the other side say? They want to give oil companies these great big tax breaks. They did in 2004 and 2005. Believe it or not, they gave them tax breaks worth over \$17 billion over the next decade. And these tax breaks are free and clear. We did not even say—they did not say in the legislation oil companies have to invest in renewables, improving infrastructure, increasing capacity. No. You know what they did with the money? They spent \$185 billion on stock buybacks instead of investing in clean, alternative fuels or new refinery utilization.

And as my friend in the chair said today, they are spending more on public relations than the average family spends in a lifetime because they know, when the American people really understand this, what the American people will think. Have you seen those beautiful commercials by the oil companies? We really care. We are doing so much.

Do you think they are doing all of these wonderful things? No, most of the money is spent on buying back their stock.

Unchecked speculation. I have heard some experts say that about one-third of the price of oil a barrel is due to speculation. We tried to pass a bill today that, first of all, said to the oil companies: That is the end of your break. You need to either invest your profits in the future, in other technologies, or give it back to us, and we will do it on behalf of the American people.

They said no. They will protect big oil until they have to pay the political price. Protect big oil, protect foreign oil. They protect foreign oil, OPEC. We said the Attorney General should be able to sue a foreign company or foreign country if they colluded on the price of oil. Oh, no, they could not do that to big oil either. They are in love with big oil over there. They are in love with foreign oil.

My people are saying: Enough is enough is enough is enough. It is no wonder that the American people want change, and they are going to get change. They are going to get it in November. They are going to bring it to us. They are going to bring us change.

The former oil men in the Bush administration have been uninterested in taking on the unchecked speculation. This vote reflects the administration. That is it. They all marched together.

Well, I think they are marching off a plank. The American people are smart and getting smarter every day. They know the pain they are feeling at the pump has a cost. They understand the speculation on futures. We address that. We address that in the legislation on which they voted no.

We said: You cannot take money and speculate on futures in an out-of-town market, an out-of-country market. You have to have transparency. Oh, no, they do not want transparency. That would be bad for the oil companies.

If anyone ever says to you: There is no difference between Democrats and Republicans, look at the debate we had on global warming, look at the vote on global warming, and look at the vote we had today. There is an enormous difference. And it has to do with whose side you are on. In the case today, it was are you on the side of big oil and foreign oil or are you on the side of the American people? It is pretty clear.

You have to look at Iraq. We have been in Iraq more than 5 long years. Do you remember what President Bush said when he went in? He said Iraqi oil would pay for the reconstruction of Iraq. He did. And look at what we have spent on this war. We are going broke on this war. We are into it longer than we were in World War II.

We are looking at trillions of dollars at the end of the day in the actual cost of the war, the cost of the reconstruction, the cost of taking care of our beautiful, brave, courageous, and incomparable men and women who are coming home in desperate shape.

What happened to George Bush's promise? They stand up, we stand down. Well, I think they are standing

up. Why are we not standing down? And why did the oil not work out? Why were we not able to pay for reconstruction from the price of the oil?

It is very simple: We have had a destabilization in the region because of the war, and that contributed to these high oil prices. What a disaster—a disaster, a disaster, a disaster.

We would have today, had we had the opportunity to move forward on our legislation, not only sent a signal which could have done something, we could have investigated these companies for the kinds of illegal actions I believe some of them are taking. We could have gone after companies and countries for collusion. We could have gone after these excess profits and said: Look, we want everyone to do well, but let's have some fairness. I will tell you, the American people are not going to stand for it.

So we have had a very interesting few days. And my friend, the ranking member from Oklahoma, says how he is so excited. Friday was his best day—his best day—his best day—when a majority of the Senate said, yes, let's take up global warming legislation, and he opposed it.

His days are numbered on this point. All we need is six more Senators who are different than the many on the other side, and we are going to get that. People want this. We know 89 percent of the people want us to address global warming.

When we do it in the right way, we will send a signal that America is ready to lead. America is ready to work with the world so that we get off of foreign oil. We are not dependent on countries we do not want to be dependent on; we are not dependent on big companies that can care less about our families. They do not care one whit about our families. The executives are making millions and millions and millions of dollars every year on salaries, on bonuses, on expense accounts.

Well, the average family in America is struggling. So I hope the American people are watching. Last week we had a monumental vote, the high water mark. But they stopped us. Today, we had a good vote also, but they stopped us. They stopped us from doing anything about gas prices, and their answer is drill in a wildlife reserve which, at most, gives us 6 months of oil, and, by the way, destroys a gift from God that a Republican President said is not an answer.

That is feeding the addiction. Are there places in America we could drill? Yes, there are. But what we need is a whole different long-term strategy. And that long-term strategy and fighting global warming will throw us off this dependence. That will make us a leader in the world. That will create green jobs, technologies we can export, and we will have an economic renaissance in the Nation.

We will be the leader the world again when it comes to the environment and the good-paying jobs. In the short



term, we need to go after the speculators like we wanted to do today. We need to go after companies and countries who are colluding. These are the things we need to do.

We were ready, willing, and able to do it today. In closing I will say this: Whose side are you on? That is a question that every one of us has to ask ourselves. It ought to be: I am on the side of the American people, of America's families, of America's middle class, who is getting squeezed.

It ought not be: I am on the side of big oil. And my Republican friends on the other side again, on the vote last week and this vote, have chosen sides. And the American people will decide who they want to have leading the country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we have had some unusual developments in the Senate in recent days. No sooner had the majority in the Senate moved to the cap-and-trade bill, for which they were demanding the debate be limited and utilizing a procedure by the Democratic majority leader to basically fill the tree, which eliminates free debate of amendments on the bill—this was a piece of legislation that was claimed to be one of the most important to be offered in the Senate.

In the early 1990s, when the clean air act amendments were passed, 131 amendments were disposed of during that debate, and it took 5 weeks on the floor. This bill has more far-reaching and pernicious ramifications than the Clean Air Act Amendments. Yet they were going to end the debate and begun to spin the issue as if the Republicans were filibustering the bill. That is what they said repeatedly: Republicans were filibustering the bill. But in truth we wished to talk about the bill. We asked to be able to do so and use the 30 hours which Senate rules allow to discuss the legislation, and our request was treated with great horror, as if this were somehow a plan to reject a discussion of the legislation.

Well, no sooner had we done that and gotten through that, and the majority leader filled the tree to limit real amendments on the bill—amendments he did not approve—then, the majority leader came forward and moved to move off the bill, to move away from cap and trade—the centerpiece of their philosophy about what is happening in energy in America today—and he wanted to move to their Energy bill, which I think can legitimately be referred to, in utilizing senatorial license, as a no-energy bill. I will talk about that in a minute.

It is not an energy bill. It is not going to produce any energy. It is weak to a degree that is breathtaking. It is not what the American people are upset about. It would not come close to helping us deal with the serious problems we face.

So I would say, this is a weird kind of event here. The no-energy bill I understand they would like to move to—and wanted to move to—would authorize the U.S. Government to sue OPEC nations that are withholding and reducing supplies of oil on the world market in the way we would sue an American company that was manipulating the market by withholding products or otherwise colluding to fix prices. Now, that is exactly what OPEC is doing. What they are doing is unacceptable, and it needs sustained, relentless leadership by this administration and this Congress to stand up to OPEC and confront that because they are effectively raising the price of oil by restricting supply. I understand other nations are seeing declines in production as well, including Mexico and Russia. So we are creating shortages in the marketplace, allowing people to make large amounts of money—corporations and others—but the people who are primarily making the money are oil-producing nations. Go look at the skyscrapers they are building in the desert, the billions and billions of dollars they are receiving from us as a result of these high prices, as a result of tripling the price of oil on the world marketplace from the forties just a couple years ago to now over \$130 a barrel. So you were getting \$40 for each barrel of oil one year, and a couple years later you are now getting \$130 for each barrel in your small country. The bigger countries, of course, make more money because they produce and sell more oil.

We are sending overseas each year from our Nation \$500 billion a year to purchase the oil that comes into our country. It is half the trade deficit we have—half of it—just to purchase this oil. It is not getting better, and we have no policy before us to legitimately do something about this other than the one Senator DOMENICI and Senator MCCONNELL and the Republican leadership offered a few weeks ago, which was rejected.

Let me explain what this no-energy bill and its NOPEC provision would do. We would sue OPEC nations for refusing to increase their production. Now, how you get jurisdiction over a sovereign nation—the Presiding Officer, a former attorney general, as I have been in a previous life, knows jurisdiction may sound like a little thing. It is not such a little thing to get jurisdiction over a sovereign nation to order them to produce more oil out of their ground.

But I would submit to you, the idea is so weak and so implausible and so unenforceable that it would be a laughable thing if it were not so serious because we do have a problem with OPEC nations and others who are fixing the price of oil.

See, oil production is an essential part, I would suggest—and I think most any court would conclude—of sovereignty. A sovereign nation can produce as much of its oil as it wants to produce. You cannot make them produce more oil because you would like them to. They are not like an American corporation, subject to the jurisdiction of the court. Part of the protections of the laws of America, they become subject to lawsuits—but not a foreign nation.

We do not want them suing us to say: You ought to open ANWR—or perhaps we might. Open Alaska. Open offshore. Now, that has, perhaps, a lawsuit that might have some merit. Or maybe sue the Congress for voting not to produce more oil and gas off our shores over the years. At least you could get jurisdiction over Congress.

So this is not a serious response, I will say to you. It is not.

Now, in addition, they propose in this Energy bill to tax the oil companies, but taxing the oil companies will not produce more energy. You can take this to the bank. It is a concept of universal acceptance. When you tax something, you get less of it. What we need in this country is more energy, not less. We need more cleanly produced, clean American energy. That is what we need more of. That is what people are complaining to me about.

When I go back home and talk to my constituents, they are upset. They are outraged. According to the national reports that came out yesterday, the people in my home county in Alabama—the citizens there—pay a larger percentage of their income to buy gasoline than any other county in America. It is because they are rural, they have low wages. They do not compete with the big-city wages, and they have to travel so far to work.

That is a very painful thing. It brings it home to me personally. I filled up our smaller car this weekend, and it cost \$61. People have larger cars. They bought them years ago. They cannot just go out and sell their SUV today—what price would they get?—sell it so they could buy some Prius. Where are they going to get the money to do that? We would like them to. We would like them to move to those kinds of vehicles in the future, but it is not possible today.

So the “masters of the universe” who think we can pass a bill and allow the price of energy to be exceedingly high and that the people will adjust their habits so they can reduce the price of oil, are not in the real world. Let's get with it.

I tell you, my constituents are unhappy, and they want us to do something to confront, in a realistic way, the surge of prices that are impacting their budgets very seriously. They also understand these rising prices that are taking money out of their budget are also impacting the businesses they deal with and see and, perhaps, work for and it is making us less competitive in the

world marketplace and it places us in a position to see our economy sink in general and it puts at risk their job. It affects how many hours they might work a week and whether they can get overtime or whether they get a bonus. That is what people are worried about.

So what do we have before us? A cap-and-trade bill that is guaranteed, according to the Environmental Protection Agency, to drive up the cost of gasoline \$1.40 a gallon to meet Kyoto-type agreements we did not sign and we have not approved. That is not what people are telling me they want us to do. They want us to produce more clean American energy.

Well, I hate to be partisan about this, but I think we need to talk about how we got here, what happened in this country to get us in as bad a shape as we are. The trends have not been good in terms of a rising demand for oil and energy and a not-rising-so-fast supply, but there are things we could and should have done and some things we did 2 years ago that are being reversed.

In 2005, for example, this Congress, when Senator PETE DOMENICI chaired the Energy Committee, recognized the potential of oil shale in the Energy Policy Act that became law. The act identified oil from the shale rock out in the West as a strategically important asset and called for its development. Yet, last year, the Democratic-controlled Congress, led by the House of Representatives, put in language that blocked and reversed the development of this abundant resource despite the surging price of oil and gasoline.

In the recently passed Energy Independence and Security Act, the House-sponsored section 526 prohibits any Federal agency from contracting to procure any alternative or synthetic fuel that produces greater life cycle greenhouse gas emissions than those produced from traditional fuels. This language prohibits the Federal Government from contracting to produce and use oil shale and coal-to-liquids. This provision is misguided and should be repealed immediately.

Now, let me tell my colleagues—I know the Presiding Officer is familiar with a number of these issues—a representative of U.S. Air Force was in my office a few weeks ago discussing a contract they had with a company that would take coal—we have 250 years of coal in America. It is an American energy source. You can heat that coal and off comes a gas which can be converted through a known and proven process to a liquid, and they were going to use it in their airplanes to fly U.S. aircraft with it. But the Air Force representative told me the language in section 526 had blocked them. Coal-to-liquids derived fuel is a fabulously clean fuel. It actually cleans the engine, so when you use this fuel, the pollutants and waste products have been taken out, and it is a very pure fuel they burn, and the Air Force was expecting to be able to bring this fuel into the U.S. Department of Defense

for around \$85 a barrel. That is well below the more-than-\$130 a barrel cost that is on the world marketplace today, and it is a source of energy that does not leave the U.S. Air Force dependent on foreign sources of oil to fuel our Nation's aircraft in the defense of America. But this effort has been blocked by the Democratic majority.

The 2005 Energy Policy Act, which Senator DOMENICI led when he was chairman of the Energy Committee, also directed the Bureau of Land Management to lease Federal lands for oil shale research projects. There are approximately 1.8 trillion barrels of oil in oil shale rock, but it is hard to get out. It is not easy to get out. It takes some effort to produce that, but some major companies are prepared to invest billions of dollars to prove that it can be brought out well below the current world price of oil. I would have thought we would have been delighted to see this go forward—at least in an experimental way—and see how that would work out. But oh, no. This Congress, again with a Democratic majority, acted to block the development and the carrying out of this provision that would promote oil shale. The Senate-sponsored section 433 of the Consolidated Appropriations Act—this was the monumental appropriations bill that was about this thick. They slipped language in, in conference, to take care of that. It would prohibit funds from being used to implement any leasing program directed to the Bureau of Land Management, as had been approved in 2005, effectively stopping this program.

I will just say that is frustrating. We are sort of in a manner of disconnect here to an extraordinary degree. The American people want us to do something. Oil shale: Well, it is not going to be easy, but this is not a dreamland idea. It absolutely can work. One company is using the same technology that was used by the oil sands industry in Canada that has proven to be quite commercially feasible. We need to be testing this because 1.8 trillion barrels of oil in oil shale would be enough for 100 years of oil—actually, 200 years of oil at our current rate. So oil shale, if we could make that breakthrough, would make us completely independent of foreign oil. We have huge reserves offshore, as the Senator from Louisiana knows. He is out there. He is in Louisiana, and he sees the production that survived Hurricane Katrina, and as a result, we were able to get those systems back on line with no oil spills or damage to the environment.

I thank the Chair for letting me share this frustration. I don't know where we are going now, but I know one thing: This Congress does not need to leave this energy debate without creating some policies that allow for more production of clean American energy. We can do that. We are going to continue using oil and gas for many years to come. Why in the world would we want 60-plus percent of it to be for-

eign oil? Why wouldn't we want to at least produce what we can at home—and really we can produce quite a lot at home. It is very frustrating that attempts to do that have been blocked by persons whose thinking, I believe, on this issue is confused and not in the public interest.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, in the year 64 A.D., there was a tremendous fire in Rome, and legend has it that the Emperor Nero fiddled while Rome burned. Well, I am afraid that if we continue to fiddle in the Congress while gas prices continue to go up and up and hurt all of our constituents in a deep abiding way, Nero will outpace us in terms of his legendary action compared to our inaction.

We are truly fiddling while this enormous crisis of rising gasoline prices hits every family we purport to represent. We are doing nothing significant, nothing important to address this crisis.

Why do I say that? Well, when this new Democratically led Congress took office a couple of Januaries ago, prices at the pump were about \$2.33. That new leadership of the Congress—the Democratic leader in the Senate as well as the Democratic leadership in the House—said that this was unacceptable. They vowed that this was a major issue they would address, that they would attack in a focused, meaningful way. Well, a year and a half later, things have changed. The price at the pump is now about \$4 a gallon. It has gone up and up, and this Congress has done little to nothing.

To add insult to injury, the Democratic leadership in the Senate proposed legislation today that centered around major measures that can clearly change the price at the pump, such as a windfall profits tax and language to sue OPEC. I find this insulting, and I believe the American people do, because that sort of political demagoguery and posturing is no substitute for real energy policy.

Yesterday, I was in my home State of Louisiana. I had two townhall meetings. About a week before that, I was all around the State; I had nine others. Folks asked again and again: When is Congress going to act? When is Congress going to do something meaningful about these escalating gasoline prices? I laid out my ideas. They were reacted to in a very positive way, particularly the need for us to do more for ourselves right here at home to produce more energy.

Certainly nobody in those audiences had very kind words to say about OPEC. Nobody was standing up and lauding the big oil companies. But by the same token, they know the difference between political rhetoric and posturing and real energy policy. They certainly know that a bill to sue OPEC and try to impose a Carter-era windfall

profits tax on big oil companies isn't going to do a darn thing, at least on the positive side of the equation, to stabilize and lower gasoline prices at the pump. It is going to have no meaningful impact, certainly, to produce more energy and bring those prices down.

So I come to the floor to urge all of us—Democrats and Republicans—to come together to get real and to act in the face of what is a true economic crisis for millions upon millions of American families.

As I say, it is easy to agree that OPEC or big oil is a cheap political target. It is easy to agree that it may be popular superficially to kick them around and to politically bash those easy targets. But I truly believe the American people are smarter than that and can distinguish between political posturing, political rhetoric, and a real energy policy. I think it is particularly true with the windfall profits tax proposed by the Democratic leadership today.

Now, why do I say that is not a real energy policy and it won't lead to stabilizing and reducing prices? Well, there are three main reasons:

First, the entire notion of a windfall profits tax is a misnomer. Oil company profits are very big when you look at them in dollar terms. Why is that? Mostly for one simple reason: Oil company activity—exploration and production—is enormously expensive. As a result of that, the major oil companies are enormously big companies—big economic actors—so the dollar terms we bandy about having to do with their activity is enormous. But, of course, when you talk about profit, you can't talk in simple dollar terms; you have to talk in percentages.

So what are those percentages? Are they, in fact, windfall profits? Well, the last year for which we have data is full calendar year 2007, and in that calendar year oil and gas companies' profits were, on average, 8.3 percent. How does that compare to everybody else? Well, for all of the U.S. manufacturing sector—a sector we always decry as in decline, being outsourced, being out-competed by competitors such as China and India coming on line—that entire sector had a profit of about 7.3 percent. If you take out U.S. auto companies, which have historically low profits, unfortunately, then the entire U.S. manufacturing sector made a profit of 8.9 percent. So these outrageous windfall profits folks talk about of the oil companies are, in fact, very much in line with that: the whole manufacturing sector, 7.3 percent compared to 8.3 percent. Take out auto manufacturers, and, in fact, then the profit rate is higher, 8.9 percent compared to 8.3 percent.

The second reason this entire focus and argument is silly and not real energy policy is when you look at whom you are hurting. Now, the proponents of these sorts of measures talk about going after windfall profits as if oil

company executives own it all. Well, they own some—1.5 percent of the companies we are talking about. Who owns the rest? Well, over half of oil company shares are owned by mutual fund companies which are widely owned by Americans. That manages to account for nearly 55 million American households. Median income of these households, by the way, is \$70,000 or less.

Pension funds, both public and private, hold 27 percent of the shares in the energy industry. That means 129 million pension fund participants, who have accounts worth an average of about \$63,000, own the companies we are talking about. Twenty-eight million of those pension funds are for public employees, including teachers, police, fire personnel, soldiers, and government workers. So these are the folks who own these companies that we are supposed to go after.

The final and most important and compelling reason this notion of a windfall profits tax is a red herring is that it won't produce more energy. It won't stabilize or lower prices at the pump. It won't help the situation. It will, in fact, make it worse.

Why do I say this? Because we have historical experience to turn to to see what happened. Under President Carter, we tried this experiment. In terms of boosting energy production, stabilizing or lowering prices, it was a miserable failure. From 1980 to 1988, we had a windfall profits tax. That reduced domestic oil production by up to 8 percent, while dependence on foreign oil grew over that time up to 13 percent.

So instead of this sort of tax approach to the oil companies' tax approach to energy, we need to produce more energy, more supply, to stabilize and lessen prices. As my colleague from Alabama mentioned a few minutes ago, one of the first rules of economics is, if you tax an activity, you are going to drive it down, lessen that activity; you are not going to drive it up.

If somehow this tax plan—windfall profits tax—or the myriad other tax proposals the Democratic leadership has brought to the floor would help solve our energy problems, I would be all for it. But it is going to make us produce less energy, not more. What will that do? That won't stabilize or lower gasoline prices at the pump. It will drive them up.

Let's get serious for once. As the American families we represent face a true crisis, let's put people ahead of politics. Let's put sound policy ahead of political posturing. Let's focus on what can make a positive impact. We need to do much in this regard, on the supply side as well as the demand side—conservation, greater efficiency, more R&D, and new fuel sources. But at the same time we need to focus on the demand side, on what can help us produce more safe, clean energy here at home. We have those resources here at home. We can access them safely and

in an environmentally friendly way. But in order to do that, Congress needs to get out of the way and allow States and private industry to do just that.

Offshore is a big piece of that puzzle. That is why I have brought to the Senate floor my proposal that says if these outrageous prices at the pump actually hit \$5 a gallon, then we will allow exploration and production in our ocean bottoms off our U.S. coast—but only if two things apply: First, the host State involved would have to want this activity. So the Governor and State legislature in that host State would have to say, yes, we want this activity off of our coast, we want to be part of the solution to help meet the Nation's energy needs. Secondly, that host State would get a fair share of the royalty, or revenue, from that ocean bottom production, 37½ percent, building on the precedent, the policy we set 2 years ago in opening some limited new areas in the Gulf of Mexico. That actually does something about energy. That actually would increase supply right here at home, would lessen our dependence on dangerous foreign sources, would help stabilize and bring down prices at the pump—something the political posturing of suing OPEC or putting in a windfall profits tax, a Carter-era idea, on the big oil companies would not do.

Let's not fiddle while Rome burns. Let's get serious. Let's act respectfully to the situation, the real crisis so many Americans face. Let's come together in a bipartisan way and act, not posture, and debate and talk but act with real energy solutions. We need to do this, as I said, across the board, on the supply side and on the demand side to lessen demand through conservation, increased fuel efficiency, and new energy sources.

We need to come together and act now, rather than simply giving political speeches and endlessly posturing and going after easy political targets.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I rise today to speak about American energy independence, energy self-sufficiency, and specifically to talk about clean coal and clean coal technology.

I have introduced a number of constructive amendments to the Lieberman-Warner climate change legislation. But one of the most important of those was the need to address the future of clean coal technology.

If this body chooses to pursue cap-and-trade legislation, we need to ensure that the Senate includes provisions to bring about the energy security our Nation needs. The so-called cap-and-trade legislation would impose greenhouse gas emissions and mandates that are unrealistic in scope and in timing.

In a time of high energy prices, in a time of housing deflation, in a time of food inflation, taxpayers cannot afford misguided policies that hamstring our economy. Our competitors—India and

China—are not constraining their economies with carbon limits. Global issues deserve global responses. Blindly imposing Government regulations will force heavy burdens on utility consumers, on labor, and on American families.

Last week, the record was clearly laid out that this proposal raises consumer prices through Government mandates. I believe most Americans favor policy approaches that balance America's need for energy with environmental protection.

In order to avoid substantial economic fallout, Federal funding is not only warranted to help American commerce meet this challenge, it is essential.

Despite the recent pace in developing clean coal technologies, America cannot afford to simply give up on this challenge. Coal is abundant. Coal is affordable. Coal is reliable. Coal is secure as an energy source. Coal can also become a very clean fuel.

As noted in the May 30 front-page article in the *New York Times*, America will continue to rely heavily on coal-fired electric generation for decades to come. The *New York Times* reporters are merely recognizing what is abundantly evident from official Government predictions.

The article also aptly notes that coal-fired generation holds great promise for reduced carbon dioxide emissions. America's energy policy must not simply deliver sustainable energy; America's energy future must incorporate a vision for a safer, cleaner, and healthier environment. Clean, coal-fired electric generation must be an integral part.

The challenge before us is significant. Reduction of greenhouse gas emissions from coal-fired powerplants will be possible through first capturing carbon dioxide emissions and then sequestering them underground. Both will take time and both will take money.

In order to achieve this challenge, the Federal Government and private industry must partner in funding research and technological innovation. Timing is critical. America needs to make a serious and substantial investment in research and developing commercial technology.

In order to achieve energy security and a clean environment, the Federal Government must demonstrate its commitment with targeted, upfront financial support. We must show leadership, not merely dictate flawed policies and hope for the best.

What does this mean? If Congress mandates reduced emissions, it is incumbent upon us to also provide the policies to allow our own economy to succeed.

Proven, commercially available, cost-effective technologies must be developed with respect to carbon capture and sequestration. These technologies must be efficient, effective, and allow America to continue to compete globally.

The amendment I have filed would direct \$50 billion in revenue from emission allowances—\$40 billion for the demonstration and deployment for carbon capture technologies, and \$10 billion for large-scale geologic carbon storage demonstration projects.

This is an enormous investment, but it is also necessary. This amendment is technology neutral. It would not rely on Government to dictate the favored type of carbon capture mechanism. Incentives would be provided by the choice of the recipient as a loan guarantee, through incremental cost sharing, or in the form of electricity production payments for each kilowatt hour produced.

This amendment includes aggressive but achievable technological milestones. It also establishes a timeline for new projects over the next 7, 8, or 10 years. This amendment is reasonable, rational, aggressive, and achievable.

Making this investment comes down to a choice between two things: one, Congress taking responsibility for the mandates proposed; two, regulating the economy and turning its back on ratepayers, on manufacturers, and on American families.

Without investment in coal, it will mean higher heating and higher cooling bills that will continue to ripple through the economy, picking winners and losers.

Last week, some Members of this Chamber insisted upon policies that would raise prices at the pump through regulation. Today, they tried to address the runup in gasoline prices by raising taxes.

I will tell you that the rising prices of gasoline are hurting the people of Wyoming and the people across this country—truckers, ranchers, commuters, and all American families.

I adamantly disagree with the so-called “solutions” proposed by the majority, which were higher taxes and more regulation. I urge my colleagues to allow real solutions to today's energy prices, including American exploration and investment in American technology. It is time to enact a prosperous path for the future of America's energy and America's economy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Wyoming for his comments. He is well aware of the spirit of community in Wyoming, which relies on jobs, like everywhere else. He makes points about how important all of the energy sources in Wyoming are, and particularly coal, and the opportunities we have for the American people to make coal even better, even the clean coal we have in Wyoming.

TRIBUTE TO DAVID TROWBRIDGE OF LINGLE,  
WYOMING

Mr. President, I rise today to talk a little bit about some of that spirit of community in Wyoming. It also has to do with the spirit of community in Mississippi.

Shortly after Hurricane Katrina, I went to visit down there and see what had happened. I definitely had to admit that Louisiana had been drowned. Then I got to see Mississippi, and I saw they not only were drowned but they were blown away. I saw one place where there were oak trees that were easily 2 feet in diameter that had been snapped off about 6 feet above the ground from the wind. The devastation down there is almost impossible to imagine. I always say a picture is worth a thousand words, but being on the ground is worth a thousand pictures. We got to see that. It still is an area that is in recovery.

Today, I wish to recognize the actions of one Wyoming man who left his home out West to go help his fellow Americans down South. He has done more than simply lend a hand to a small Mississippi town devastated by Hurricane Katrina. He lent his heart, and he is an example for all of us to follow.

David Trowbridge of Lingle, WY—one of our small towns—is quite a hero. Shortly after Hurricane Katrina ravaged the gulf coast in 2005, he joined a group of volunteers from his church on a trip to Bay Saint Louis, MS, where they provided aid to storm victims. There, David witnessed firsthand the utter destruction of the hurricane—the lost loved ones, the wrecked homes, and the destroyed livelihoods.

Upon returning to Wyoming, Mr. Trowbridge vowed to go back to Mississippi and help as many people as possible. I have learned from members of his small church in Lingle that Mr. Trowbridge is a man of his word. He did go back, and he is still there helping.

In June of 2006, he purchased a motor home, loaded his tools and moved from Wyoming to Bay Saint Louis indefinitely. I have to tell you, we hope he comes back before the census because Wyoming can use the population. Since then, Mr. Trowbridge has spent his time working with First Baptist Church to help others rebuild their homes and their lives.

In all, he has worked on 62 houses in the Bay Saint Louis area. From roofing and laying tile to painting and plumbing, Mr. Trowbridge has provided critical building repair services to many grateful families. He has also played an integral role in training the thousands of volunteer teams that flocked to Bay Saint Louis to assist with the rebuilding process. He teaches the volunteers the skills they need to repair homes. Then he works side by side with them, helping the volunteers to finish their projects and achieve their goals.

Mr. Trowbridge has changed countless lives through the giving of his time and labor, and he has done it all without asking anything in return. His work is completely volunteer. Aside from a few donations here and there, Mr. Trowbridge has funded this journey through personal savings. He has reached into his own pockets to give new hope to people who lost theirs in

the storm. That goes to show the depth of his selflessness.

Mr. Trowbridge represents the true spirit of giving that we in Wyoming know so well, and I am proud he is sharing that Wyoming sense of community with those affected by Hurricane Katrina. He is an inspiration of hope and generosity, and his effort serves as a testament to what just one man can accomplish when he sets out to make a positive impact on other people's lives.

Mr. Trowbridge is a man of faith and heart, and we can all learn from the example he set. I ask my Senate colleagues to join me in thanking him for all the work he has done and the hope he has brought to Bay Saint Louis, MS. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing to the attention of the Senate the good works of a man who embodies compassion, sacrifice, and service.

A few weeks after Hurricane Katrina hit the Mississippi gulf coast, David Trowbridge of Lingle, WY, traveled with a group of his fellow church members to Bay Saint Louis, MS, to help the victims of this terribly destructive disaster. Because of the extent of the destruction he saw and the enormous challenges that confronted the storm victims, David Trowbridge purchased a motor home and moved to Bay Saint Louis so he could devote full time to the recovery effort.

He helped rebuild properties that had been destroyed or seriously damaged, including housing for other volunteers who needed a place to stay and help. His carpentry skills have been a valuable resource, not only to help rebuild homes but which also enabled him to train hundreds of unskilled volunteers to assist in the rebuilding efforts. These volunteer teams have worked on over 1,400 homes in the communities of Bay Saint Louis and Waveland.

People in Bay Saint Louis refer to David as a fixture of the community. They have praised him as a hero. In fact, he is on a first-name basis at homes and businesses all over town.

The Mississippi gulf coast was devastated by Hurricane Katrina and is still struggling to recover. But were it not for the unselfish, hard work and dedication of David Trowbridge, my State would not be as far along as we are in the recovery process.

Thank you, David Trowbridge.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Mississippi for joining me in this tribute today for David Trowbridge. We do this as a reminder that there are still problems that need to be fixed from August 2005. The people down there are very appreciative of the help they get. Of course, we are reminded, as there are tornados hitting all over the United States, that there are people in other parts of the country who need help as well.

It is the American spirit to reach out and help other people. Often it is done without any kind of a call, any kind of notice. People hear about these needs and they show up and they do the work. We need to keep them all in our minds and our prayers and, when we get the opportunity, to give a little bit of special mention of somebody who goes out of their way, takes money out of their own pocket to help out. That is what America is about—people helping people. David Trowbridge is an outstanding example of that.

I thank the Senator from Mississippi, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

(The remarks of Mrs. DOLE pertaining to the introduction of S. 3108 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for whatever time I may consume.

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

Ms. STABENOW. Mr. President, to review where too many families are today in our great country, we have 324,000 people—324,000 people—who have lost good-paying American jobs just since this January. Just this January, not last January, not the January before or the January before but just in the last few months, 324,000 more Americans—middle-class Americans, working hard every day and trying to keep up with the gas prices, trying to keep up with the mortgage payment, pay for food, send the kids to college, probably having a bigger health care bill—have lost their job and gone, probably, on unemployment compensation to be able to help their family to be able to continue. And, Mr. President, 72,000 of those individuals and families impacted come from my great State of Michigan, with 49,000 jobs having been lost since May, 17,000 of those lost in Michigan since April.

At the same time, we all know gas prices are now at \$4 and going up, foreclosures nationally are over 702,000 homes this year, with over 31,000 of those in Michigan.

All of that is to say that we have a picture now of middle-class Americans, of those who believe in America, who are and who have been working hard every day, who want the American Dream for themselves and their families finding themselves being hit over and over again with one cost after another. Even those who have not lost

their jobs are concerned that they may. Will the plant stay open? Will the employers keep the same number of people on when their costs are going up? Too many people have gone from \$28 an hour to \$14 an hour, or \$30 an hour to \$10 an hour.

What we are seeing across the country is people who are desperately concerned about their ability to keep their standard of living and to remain in the middle class of this country. In many cases they are desperately concerned about simply being able to put food on the table, being able to get the money to put the gas in the gas tank so they can go look for the next job.

With this backdrop—and with millions of Americans saying: What about me? What about my family? What about some kind of action that will help my family, and understand what we are going through right now? With all of that as a backdrop, what we have seen today, once again, is absolutely outrageous. It is absolutely outrageous. Two very important bills were brought forward where we simply asked to be able to proceed to discuss them, and once again the Republican minority has said no. They blocked everything, stopped everything. No. No.

There is no sense of urgency, no sense of urgency about gas prices, no sense of urgency about getting off of foreign oil and energy independence. There is no sense of urgency about what is happening to families every single day.

It is amazing to me, when we look at the numbers. We have in fact had so many Republican filibusters we have to Velcro the chart. In the interests of conservation, in the interests of not having to print up multiple charts a day and waste good old posterboard, we actually have had to Velcro the numbers because they change so much. Twice today—we have now well exceeded what was a 2-year high in previous Senates in the over 200-year history of our great country. We did that last year.

What does that mean? This all sounds like insider process kinds of things—it is just folks talking about partisan politics. The reality is we are talking about whether the Senate is going to be able to move forward to debate issues and solve problems that people care desperately about. They do not care whether this is an election year or not an election year. They don't want excuses. They want us to get something done because they are trying to figure out how in the world they are going to be able to keep things going and make ends meet for their family in this great country we call America.

We have seen 75 different times that there have been filibusters that have been blocking our ability to actually get something done. What was filibustered today? What efforts were made to block us today? First, a very important bill, the Consumer-First Energy Act, to take on what is happening on gas

prices. I know, talking with my family, home this weekend—folks were looking at me, saying: What in the world is going on? What can be done?

We have put together legislation multiple times to address it, short term and long term, as it relates to gas prices which are so outrageously high. But over and over again we are blocked. Why? Because the oil companies do not like it. That is what this is about. Unfortunately, the oil companies do not want to see us move in the direction of being able to tackle issues of whether there is, in fact, price gouging; whether there are in fact issues around speculation; whether we are going to have competition with alternatives to oil. They do not want us to do that. They do not want us to tackle the issue of the tax subsidies they receive.

What we see instead of action, as we could have had today, we see this past week oil prices at \$140 a barrel, almost twice the price from last year. It is almost twice the price from last year, and OPEC says it could be \$200 this year. Think about that when you are trying to get to work, trying to maybe take the kids to camp for that week or maybe trying to go to the grocery store or go looking for work or maybe take mom or dad or the kids to the doctor. We are talking about a huge burden that is building up and up.

Unfortunately, while gas prices now go over \$4 a gallon, we are seeing an effort to, one more time, block common-sense efforts to do something about it for the families of America. Unfortunately, on the other side of the aisle, there has been a desire to make sure that we continue big oil tax breaks rather than addressing what our families need. Last year the big oil companies pocketed \$124 billion in profits. It is fine to make a profit. We want companies to do well, to make a profit. But we also want to make sure when that is happening they are reinvesting in the economy, reinvesting in creating more supply. We want them to be reinvesting in new energy. Unfortunately, that is not happening.

We also want to have tax policy that makes sense in terms of where we want to invest in new technologies. The oil companies are doing pretty well, I suggest, right now. I do not think my tax money or your tax money or the tax money of any of the folks here or any of the folks around the country needs to be used to incentivize big oil, which is exactly what is happening right now.

They are doing pretty well. We have been trying and we have been blocked through Republican filibusters, to take away subsidies, taxpayer subsidies for oil companies and move them over to subsidize new, growing industries, green options, alternative energy—wind, solar, advanced battery technologies, consumer tax credits to buy the next generation of vehicles, the next generation of appliances. Those are the kinds of tax credits that encourage people to focus on energy effi-

ciency and conservation in their homes, those things that will move us in the right direction. That is what we have been trying to do. And we have been blocked.

The bill that was stopped also creates a permanent tax on windfall profits for the major oil companies. If they are not going to invest in America and invest in our future and buy the next airplane or put it into more big bonuses, then we need to have a windfall profits tax that will redirect those dollars back so we can take them and invest in the future.

I see our distinguished leader on the floor and I am going to suspend for a moment, if I might. I know he has some important business he needs to do.

I yield to our leader and ask that I later be recognized to continue my comments.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate very much my friend from Michigan allowing me to do a little business here on the floor of the Senate. She is such a tremendous Senator. I had the good fortune to be able to be in Michigan this weekend with her and Senator LEVIN. What a team they are. The people of Michigan realize that. It was a wonderful experience, being there with these two Senators.

The State of Michigan has lots of problems. No one articulates it better than Senator STABENOW, talking about what is happening to our country with the loss of manufacturing jobs. Of course, sadly, Michigan is a poster State for what is happening in the loss of manufacturing jobs. This is something we must stop, stop the hemorrhaging of these manufacturing jobs.

I had the good fortune yesterday of meeting with the National Association of Manufacturers. They recognize, although they have been a Republican organization in years past, that they are going to have to start working with us. That doesn't mean they will not keep working with the Republicans—of course they will—but we have to start working together and realize the bad shape of our manufacturing sector.

#### MOTION TO PROCEED WITHDRAWN—S. 3044

Mr. REID. Mr. President, I withdraw the motion to proceed to S. 3044.

The PRESIDING OFFICER. The motion is withdrawn.

#### UNANIMOUS-CONSENT REQUEST— S. 3101

Mr. REID. I ask unanimous consent that S. 3101 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

#### MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. 3101, the Medicare Improvements for Patients and Providers Act. This is an act of 2008. I ask we proceed to this on Wednesday, June 11, following the period of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to S. 3101.

I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 772, S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

Harry Reid, Max Baucus, Jon Tester, Barbara Boxer, Benjamin L. Cardin, Bernard Sanders, John F. Kerry, Patty Murray, Maria Cantwell, Blanche L. Lincoln, Ken Salazar, Charles E. Schumer, Ron Wyden, Patrick J. Leahy, Jeff Bingaman, Debbie Stabenow, John D. Rockefeller IV, Jack Reed.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

#### CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mr. REID. I move to proceed to S. 3044.

The PRESIDING OFFICER. The motion is pending.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before our leader leaves the floor, I thank him for his patience and tenacity to continue, despite objection after objection, as we try to govern on behalf of the people of this country—whether it be addressing issues of global warming, whether it be gas prices, whether it be what just happened, which is to bring forward a Medicare bill that will stop a large cut to physicians all around the country and affect our ability to have access to health care. It is a bill that includes the ability to focus on rural health care and telehealth and e-prescribing and a number of things that will increase access to health care.



To emphasize what just happened one more time: There was an objection to moving ahead on something that is important to the American people: to expand, under Medicare, health care for communities and our seniors. This goes back to my original point now: 75 Republican filibusters and counting. It is going to continue and continue, unfortunately, because there is not the willingness to work together to get things done.

Let me mention two other issues. I mentioned what is happening in terms of blocking our Consumer-First Energy Act, which focuses on a number of ways to go after price gouging. The bill would stop manipulation by greedy oil traders and give the Attorney General the power to stand up to OPEC nations that are price fixing—a number of different ways for us to immediately address what is happening to gas prices on behalf of the American people. That was blocked.

The second thing that was blocked was the Renewable Energy and Job Creation Act of 2008. This is about jobs. This is about jobs in my great State of Michigan, in New Jersey, all across this country, based on the new green economy—production tax credits to build those wind turbines and solar panels and new vehicles and, again, the consumer tax credits and investing in the ability for businesses that use the R&D tax credit to have that continue, to be able to invest in other economic development tax credits. That is what was blocked—jobs focused on alternative energy.

So we went after the oil companies. No. We want to put forward a proposal that will invest in new jobs. No. That is what we are hearing every day. And every day that is happening, more and more people in my great State are finding themselves without a job, trying to keep the lights on, keep food on the table, trying to be able to put gas in their automobile. And they are looking and saying: What is going on here? Each month, tens of thousands of people across the country, not just in Michigan—I mean, we were hit the hardest first, but this is across the country—are losing their jobs. Hundreds of those are losing unemployment insurance benefits they paid into.

There seems to be a notion that somehow, if someone is required to go on unemployment insurance benefits, they will not look for work. Well, that is about 40 percent of what the average wage is for an individual. You can barely keep things together. In many cases, you cannot keep things together. I would suggest that the unemployment insurance benefit is not a disincentive for folks to work. And obviously people in my State work hard. They work. They work very hard. Too many are working two jobs, three jobs, four jobs, trying to piece it together.

But we have never had an economic situation like we have today under a Republican or Democratic President where there has not been a willingness

in a difficult economic situation to extend unemployment benefits. Yet President Bush has threatened to veto an extension of unemployment insurance which we have already passed here in the Senate.

As I indicated before, the numbers are high—324,000 good-paying American jobs have been lost since January of this year. We also know there are 8.5 million unemployed workers in America competing for 3.7 million jobs. That is why the bill that was blocked earlier that invests in new taxation and new technologies, production tax credits to build new plants, to create new processes, is so important, because right now we have more than twice as many people looking for work as there are jobs available. We as a Democratic majority understand that. We understand that so much of what is happening right now for families goes to the basic foundation of this economy, which is the ability to have a good-paying job and to be able to pay those costs that come at families day after day after day.

In May, the number of Americans who have been out of work for at least 27 weeks—right now, unemployment goes to 26 weeks—rose to 1.6 million workers; 1.6 million middle-class workers as of May who saw their benefits exhausted and in most or many cases were not able to find a job. What happened? What happens to those families? In the past year, 2.75 million people who are unemployed have exhausted their benefits.

American families are running out of time. They want us to take action. There needs to be a sense of urgency about what is going on for families in this country. It is not that we do not have the ability to act; there is not the will to act, not the will to join with us in a bipartisan effort to act. We as Democrats come to the floor every day, our leader comes to the floor every day, multiple times a day, making motions to proceed to solve problems through legislation that is critical for our families. Time after time, all we hear is: I object. I object. I object.

People in Michigan know what the pain of inaction is like and the effort to try to hold it together when help is not there. Over the last year, more than 150,000 people have exhausted their unemployment benefits, over 10,000 people a month now looking for work but do not have the support anymore to at least be able to keep things going a little bit.

But you know it is not just Michigan anymore. Unfortunately, other States are now catching up. We heard as of last Friday that the national unemployment rate is now 5.5 percent. When we first started talking about this, it was 4.9. Now it is up to 5.5, and the experts tell us they expect it will reach 6.5 percent by January. Alaska, California, Rhode Island, Mississippi, Nevada, Missouri, Oregon, South Carolina, Kentucky, and Ohio all have unemployment rates at or above 5.5 percent.

We need to act, not only because it is the right thing to do, the moral thing to do for our families, but we know that for every \$1 that is spent on unemployment benefits in the economy, the dollars turn over and the economy is stimulated by \$1.64. So there is an opportunity to not only do the right thing for Americans, which ought to be enough, but it is also an opportunity to stimulate the economy and one of the top ways we are told it can be stimulated. In other words, for every \$1 we invest to help struggling American families, we get a 64-percent return on our investment. I would take that. That is a deal worth making.

So I close by once again calling on the President to join with us at this critical time in American history where families are being hit in so many different ways and to say yes to extending unemployment benefits for those who are out of work but looking very hard to find a job and are counting on us to do the right thing.

I would love it if we did not have to stand up and change this Velcro anymore. I would love it if we could just frame this right here—75 Republican filibusters—and stop. But that is not what is happening. We can do better than that. Certainly, the people in Michigan expect us to do better than that. I am going to do everything in my power—I know the Chair will as well—to be able to make good on what people are asking of us.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, like a lot of Members of the Senate, I also heard from my constituents last weekend about high energy prices. I do not know how any Member of Congress can go back into their congressional district and their State and not be inundated by people who are very concerned about the impact high fuel prices are having on their pocketbooks and on our economy.

In fact, in my State of South Dakota, the studies bear this out. I think it has a disproportionate impact because it is a rural area. In rural areas, we are very energy dependent. We drive long distances. We are very agriculturally dependent in terms of our economy. Tourism is a big thing in our economy in rural areas. We also, in most cases, have lower incomes relative to the incomes of people in other parts of the country. In fact, there are some studies out that suggest that 15 percent, 16 percent on average of a person's income in a rural area is spent just paying the energy bill. Now, that is something that ought to concern everybody across this country because even though it might disproportionately impact rural areas today, it is clearly going to impact all Americans and continue to impact our economic activities in this country as time goes on if we do not get our arms around these escalating and daily increasing energy costs.

I had someone in my office today who said that he has a small refinery. He



said if the cap-and-trade bill we debated last week had been enacted or passed, immediately they would have seen a 38-cent increase in the price per gallon of gasoline.

There is a proposal to build a powerplant in my State of South Dakota, a coal-fired powerplant. I was visiting with some folks last week in my State who informed me that if, in fact, that cap-and-trade proposal had passed, it would have tripled the cost to construct that powerplant, something that is necessary to provide base load energy for the energy demands and requirements we have in the upper Midwest.

So here we are talking about high energy prices, high fuel prices, and the only solutions our colleagues are putting on the floor are solutions that would actually increase fuel costs. The cap-and-trade proposal last week, by any estimate—and there were 11 studies that were done of the five cap-and-trade proposals put before or introduced in the Senate, one which was put before the Senate last week. All 11 studies concluded that if enacted, that proposal would increase fuel costs, it would increase electricity costs, and it would lead to negative gross domestic product growth. The question was not if, it was how much would it increase costs. By as much as a dollar a gallon for gasoline. There were a number of studies conducted that suggested that it would cost the economy up to \$6 trillion in GDP, negative GDP, as a result of that cap-and-trade proposal.

So here we are on the floor of the Senate. Everyone, I assume, is hearing the same thing I am hearing, when they go back to their respective States, from their constituents: We have high energy prices; we need some action; we need you to do something about that. And everything that has been put before the Senate last week and this week by the Democratic leadership does one thing: increases energy costs.

We had a vote today on an "energy bill." What did it do? It imposed new taxes on energy. That was tried. That was tried back in the 1980s, the windfall profits tax. It led to reduced energy production in this country. The other thing that was talked about today was, well, let's sue OPEC, let's sue OPEC; that will somehow drive down the cost of energy.

There is not anything in any of those proposals that does anything to address the problem because you cannot address this problem, you cannot fix the energy crisis in this country unless you address the issue of supply. There is not anything in any of those bills that have been put forward, that have been put forward by the other side, that addresses the fundamental issue of supply. I believe the American people understand that. They understand full well that you do not raise taxes to get more of something; if you raise taxes, you are going to get less of something. They realize that we cannot just sort of unilaterally decide to sue an oil car-

tel and expect that is going to lead to additional energy supply in this country.

There is one thing and one thing only that we can do to lower gasoline prices for people in this country; that is, increase homegrown domestic energy supplies so that we do not have to rely upon other nations around the world for our energy.

I wish to share a couple of statistics that I think are important in this debate. One is that 60 percent of our oil comes from outside the United States. That means that on any given day we are getting 60 percent of our energy to fuel our automobiles and to keep our economy going from countries around the world, many of which are run by petro-dictators who have nothing but hostile and ill intentions toward the United States. Sixty percent of our oil supply is coming from outside the United States.

We use 140 billion gallons of gasoline every year in this country. I point that out because I want to use that to get to another point; that is, we are generating about 8 billion gallons of renewable energy or ethanol on an annual basis. At the end of this year, we will be generating 1 billion gallons in my State of South Dakota alone. But the studies that have been done have suggested that that 8 billion gallons of ethanol, out of the 140 billion gallons of fuel we use in this country, of gasoline we use in this country, has reduced energy prices by about 15 percent—price per barrel of oil, price per gallon of gasoline reduced by about 15 percent by the contribution that 8 billion gallons of ethanol is making to our overall fuel supply.

In today's gasoline prices, 15 percent would be about 50 cents, 60 cents on the gallon. So we have lower fuel prices today than we would otherwise have as a result of adding to our supply of energy, homegrown energy, through the hard work and production of our farmers across the country who raise the corn that is converted into ethanol.

I suggest perhaps the way to address this problem, if, in fact, 8 billion gallons of ethanol has helped reduce gasoline prices by 50 cents a gallon, maybe what we ought to be doing is looking at ways we can grow additional energy supply. We don't need less biofuels, we need more. We are going to be moving now from corn-based ethanol into cellulosic ethanol that can be made from other forms of biomass. We hope that technology will be progressing quickly enough that it will enable us to meet the targets we have of 36 billion gallons called for in the renewable fuels standard. That is what we are doing in the area of biofuels.

I say that because if we look at what we have in terms of domestic resources, whether that is biofuels or oil, if we could get some of that oil into the pipeline, we could do a lot to impact prices people are paying for a gallon of gasoline. Back in 1995, President Clinton vetoed a bill passed by Congress

that would have allowed for exploration on the North Slope of Alaska. We have somewhere between 6 and 16 billion barrels of oil on the North Slope underneath the ground. With modern technology and in an environmentally friendly way, directional and horizontal drilling, with a minimal imprint on the surface, we can get access to somewhere between 6 and 16 barrels of oil. What does that translate into? That translates into 1 million barrels a day coming into this country—1 million barrels a day. And you figure a barrel translates into 42 gallons, and of that about half can be refined into gasoline, a million barrels a day would translate into about 7 billion gallons of gasoline a year or roughly equivalent to what we are generating in ethanol. And the 8 billion gallons in ethanol is reducing the price of gas by about 50 cents a gallon. So if you do the math, more energy, more supply at the margin is going to lead to lower cost. That is the fundamental economic rule of supply and demand that most people understand.

Any of my constituents in South Dakota, if I went home and told them that the Democratic leadership has put a bill on the floor that is going to allow us to file lawsuits against OPEC or that is going to impose new taxes on oil exploration, a windfall profits tax, they would say: What does that do to affect the law of supply and demand? Get more supply in the marketplace so that we can do something about reducing the price per gallon of gasoline?

This problem gets addressed when America gets serious about domestic energy supplies. We have tried again and again to get a vote on exploration on the North Slope. We have tried again and again to get a vote on deep sea exploration for energy—all of which has been blocked in the Senate.

We have even tried to get legislation moved that would expedite the permitting process for new refineries because we have a shortage of refining capacity. These are all things that we could be doing that would help address the supply problem.

I suggest when we get to what we are focusing on that we can do, there are pieces of legislation on which there is broad agreement. We passed a bill a couple weeks ago that Senators ENSIGN and CANTWELL offered of tax extenders that would help promote more investment in renewable energy. It passed out of the Senate by a vote of 88 to 8, broad bipartisan support. Why are we not focusing on those things we can do rather than spending our time having the Democrats throw out solutions that impose new taxes, new regulations, new bailouts to trial lawyers, which was included in this bill, an earmark for the Senator from New York at \$1.2 billion, all of which we know are not going to pass?

We aren't going to get the votes to get that sort of thing through. But there are things we can be doing, such as extending the production tax credit

for wind, which was included in the Energy bill to which I just referred. Those are the things we ought to be looking at. What can we do to add to the supply of electricity, to add to the supply of fuels so that we don't have to get 60 percent of our energy from outside the United States, so we are actually doing something that will in a positive way impact the price our constituents pay for a gallon of gasoline?

This impact is going to be felt all across the economy. Look at the statistics on airlines. We are using actually less fuel on airlines today, if we look at this green line, than we were going back even to 2000 and 2001. But look at the fuel costs of the airlines. They are exploding. We have airlines facing bankruptcy, making service cutbacks, not serving smaller communities, laying off employees because of high fuel costs. There is no end in sight.

It is \$4 today. What is to stop it from going to \$5? If Ahmadinejad and Chavez decide they want to get \$200 for a barrel of oil, what is to stop them, if we have no leverage? We need to be taking steps in the United States that will increase our domestic supply of energy so we don't have to rely upon those other countries for our energy supply. We have those resources here. We have oil. We have biofuels. We need new refineries. We can build new nuclear plants. All are being blocked.

Let's focus on what we can do to affect the fundamental rule of supply and demand that will lead to lower energy costs, that will increase the amount of energy we have relative to demand. That is how we can impact in a positive way the price our constituents are paying for a gallon of gasoline. Until we get serious about that, all this other stuff done for optics because it is an election year and to gain some political upper hand to go back to a constituency saying, we did this or we are going to beat up the oil companies, raise taxes, regulations and lawsuits and litigation, those sorts of things don't solve the fundamental problem. We don't have enough domestic supply. Until we address that fundamental problem, we will continue to be held over a barrel and be at the mercy of these foreign countries telling us what the price per barrel of oil and price per gallon of gasoline is going to be.

I hope we can focus on that. We have some great solutions. My State is a good example of what we have done with renewables. The Senator from Iowa has a lot of great examples in his State of what we are doing with renewable energy and wind. We have the resources to get this done. It is high time we did it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I congratulate the Senator from South Dakota. He is expressing a very simple law that everybody learns in economics 101: If you increase supply, it reduces

price; if you restrict supply, price goes up. What we want to do is increase the supply of energy.

For myself, I want to explain earlier today my vote to invoke cloture on the motion to proceed to S. 3044, the so-called Consumer-First Energy Act or, another title, the antiprice-gouging bill. I want to explain it because people might think that I am in support of everything in the legislation. I will explain why I wasn't, but why I thought we ought to move forward.

The legislation includes provisions that I have long supported, including the no oil producing and exporting cartels legislation. I am an original cosponsor of the NOPEC bill. This bill would authorize the Department of Justice and the Federal Trade Commission to bring lawsuits against oil cartel members for antitrust violation because it is a fact of American law, if oil companies were doing the price fixing that OPEC countries do, these executives would be in jail. Yet we are faced with the same anticompetitive environment from other countries.

As our gas prices continue to rise, it is time to say enough is enough to OPEC anticompetitive activities. It is past time to let OPEC know that we are committed to stopping illegal pricing, the same illegal pricing that would put CEOs of major oil companies in jail.

This legislation also includes provisions aimed at reducing speculation in oil markets. I support that. I can't say for certain whether the provisions included in the bill will have the desired effect. I can say, however, that something needs to be done to address what seems to be out-of-control speculation in crude oil markets, and speculation of crude oil tends to show up on the business pages of the newspaper as a major cause of the increase in oil and, in turn, gasoline.

I am pleased that recently the Commodity Futures Trading Commission has taken steps in recent days and weeks to increase their access to data and information that will hopefully allow them the proper oversight and transparency of energy markets. Take a little bit of speculation, take a little bit of unknown out of the market, more transparency ought to help our markets work better.

In conjunction with what the Commodity Futures Trading Commission is up to and my wanting to build on what they are doing, I asked Acting Chairman Lukken and Commissioner Chilton very pointed questions during a recent confirmation hearing in the Agriculture Committee on the CFTC's oversight responsibilities. In addition, I sent a letter to the CFTC today seeking more information about the CFTC's action to rein in speculation by investment banks and traders on foreign exchanges.

I voted today as I did in a manner uncustomary of Republicans to proceed to the bill because I think we need to have a debate on the critical issue of

energy prices. However, that doesn't mean I support everything in S. 3044. The bill, for instance, included a windfall profits tax on oil companies. I saw firsthand a couple decades ago the result of a windfall profits tax the last time it was enacted. It didn't do anything to produce more energy. Simple economics: You tax something, you get less of it. Why would those on the other side believe if you tax energy production, you would get more energy produced? Of course, it is counterintuitive. Yet this bill doesn't include a single provision to increase the production or supply of traditional energy resources. Why aren't we considering policies to develop the resources that God gave us at home? We have a huge supply of oil and gas in Alaska. We could be opening areas of the Outer Continental Shelf to exploration. We could be looking at Federal lands onshore for energy production. These are things we could do this very day that would increase supply and drive down prices. Yet they have been blocked time after time by people on the other side.

If you think this is a partisan shot by a senior Republican, let me suggest to you that I can show you rollcall after rollcall after rollcall, not just recently but over a long period, of opposition from the other side to increasing the supply of fossil fuels and the use of fossil fuels we know. My constituents need to know why they are paying \$4 at the gas pump. Yet we in Washington have done little to increase our own supplies.

Speaking from the grassroots of the State of Iowa, I want to remind my colleagues of what I said last week on the floor of the Senate. Of at least 14 out of the 17 town meetings I have had, the question came up very simply: Why aren't we producing more oil? Why aren't we going where the oil exists, with \$4 gas? I can give a simple answer, and I tell the people ahead of time in my town meetings. I try not to make partisan comments, but occasionally I think I can when it is intellectually honest to do it. I suggest to them that there is opposition in the other party to more exploration, where we know there is oil. We just don't have the votes to get the job done.

That could be considered a partisan shot, but I think I can back it up with rollcalls. It is a justification to my constituents when I am asked why we don't drill more where we know there is oil. Most of my constituents expect you to do this in an environmentally sound way as well. That doesn't, to me or my constituents, appear to be incompatible because the United States is dependent upon oil cartels and foreign countries such as Iran and Venezuela, very unstable, yet we have done nothing to help ourselves. That is the way my constituents see it, as evidenced by 14 out of 17 town meetings I held during the week of Memorial Day. In the other three town meetings, it just did not happen to come up.

I believe oil is trading today at around \$135 a barrel. Yet there is an overwhelming aversion to environmentally sound resources developed at home. We ought to be developing our domestic resources. There is no rational reason not to, and at \$4-a-gallon gas, consumers ought to be outraged they are not exploring for more domestic resources, and Congress making decisions to do that, and to do it so quickly that it is telling people why it is not being done. At the grassroots of America, we ought to be having the same march on the Capitol as when people are outraged about other things, which we do not seem to be having this time.

Maybe we will have this outraged expressed. It is a little bit of a quandary to me why, at the grassroots of America, when gas goes from \$3.50 to \$4, or from \$3 to \$4, it does not seem we are having as much outrage as we had when gasoline was going from \$1.50 to \$1.75 about 4 years ago. Maybe it is because people have lost confidence in Congress. I do not know. I can understand why you can lose confidence in Congress when you have \$4 gasoline and we know where there is 13 billion barrels of oil in this part of the country and 7 billion barrels of oil in other areas of the country and we are importing 10 to 15 million barrels of oil a day and paying out to some foreign country money that if we drilled in the United States we would keep in the United States.

The bill I am explaining to you takes billions of dollars of permanent tax provisions and dumps them into a special piggy bank designed to let appropriators dole out special interests checks for their favorite spending projects. I know the rhetoric you have heard today is to make big oil pay to lower the price of gasoline. But I can promise you, there is absolutely nothing in this bill that accomplishes that charge. This bill, flawed as it is, would have to be amended. Any permanent tax provisions on the backs of the energy industry should immediately go back into tax benefits that expand conservation and clean energy tax provisions currently in the Internal Revenue Code.

We cannot put the cart before the horse. It is irresponsible to change taxes for future undisclosed spending. It is even more irresponsible to do this before we make certain the current tax benefits available for wind, solar, alternative fuels, and much needed conservation in buildings and homes.

It was wrong for the Democratic leadership to dump permanent tax provisions into a slush fund for future appropriations. But those types of wrongs cannot be fixed if we never proceed to the bill, hence why this Senator voted as I did today, contrary to what a lot of the members of my party did.

#### HOUSE EXTENDERS BILL

I turn now to the tax extenders bill. I voted today on the second rollcall along with 43 other Senators against invoking cloture on the motion to pro-

ceed to H.R. 6049, the House extenders bill.

Earlier today, the Democrat leadership released a description of a substitute extenders bill that included many provisions that were not extenders.

As you know, I joined Senator MCCONNELL in filing an extenders bill last Friday that is not offset by increases in taxes elsewhere because it is our policy that if you extend existing tax policy, you should not have to raise taxes on somebody else for an extension of tax policies that in some instances have been in place for 20 years.

Here are some of the reasons, then, why I opposed the Democratic leadership bill and support the Republican leadership bill.

The Senate Democratic leadership bill contains numerous provisions that do not either extend or make permanent expiring tax provisions. On the other hand, the Republican bill really is an extenders bill, with all the provisions in the Senate bill extending or making permanent expiring tax provisions.

Included in the Senate Democratic leadership bill is a proposal to give \$1.2 billion in tax credits to New York City, even though New York City does not pay Federal tax. This proposal is widely reported to fund the building of a train from Manhattan to John F. Kennedy Airport, through the use of New York Liberty Zone tax credits.

According to the Joint Committee on Taxation, the Congress has never—and I want to emphasize “never”—before provided a limited tax benefit such as this to a governmental unit.

In addition, the bill provides a new \$1.6 billion tax benefit just for trial lawyers. Now, think about that. We are trying to extend tax policy to bring economic development and create jobs, and it has something in it for trial lawyers. It allows trial lawyers to deduct their upfront expenses in contingency fee cases, even though they expect to recover them when they win or settle the case. And these trial lawyers do expect to win or settle their case; otherwise, they would not take the case on a contingency fee basis.

So why should trial lawyers get a deduction for something they expect to get back? We do not give lenders a current deduction when they make a loan. Some would argue that this is a large chunk of pork that the Democratic leadership bill is trying to feed to trial lawyers.

The Democratic leadership bill, for the first time in history, makes tax benefits directly conditioned on the Davis-Bacon Act. That is the prevailing wage requirement. It is added to a new provision called the New Clean Renewable Energy Bonds.

The Senate Democratic leadership bill only extends provisions that expire at the end of 2007 until the end of 2008, setting up another extenders fire drill early next year. In contrast, our bill on the Republican side generally extends

provisions that expired at the end of 2007 until the end of 2009.

The Democratic leadership bill contains permanent tax provisions to offset temporary extensions of current law. Anonymous Democratic lobbyists are misstating the Republican position on offsetting expiring tax relief provisions. The lobbyists have been quoted in the Roll Call newspaper and other publications stating that part of the Republican theology is opposition to offsets.

Republicans will support offsets if they make sense on the policy merits. If the revenue-raising proposals make policy sense and offset the revenue loss for new tax policy—I want to emphasize “new tax policy” as opposed to extending existing tax policy—then it will likely garner majority support among Senate Republicans.

However, one of the revenue raisers in the Democratic leadership bill is a proposal to delay the effective date of the worldwide interest allocation rules. This provision was enacted in the American Jobs Creation Act of 2004, with a delayed effective date for revenue purposes.

The decision to reform the interest allocation rules was bipartisan back then in 2004. The reform came out of the Finance Committee working group set up by Chairman BAUCUS in 2002 and passed the full Senate by a vote of 92 to 5. So after a vote of 92 to 5—bipartisan—why would they try to undo a very important provision in it? The current rules actually penalize domestic manufacturers who compete in global markets by making it more likely they will be double taxed on their foreign income.

The Senate Democratic leadership bill would delay the effective date even further—can you believe it—by 9 years, giving it an effective date of 2018. This provision raises almost \$29 billion over 10 years.

The President of the United States, aware of how important this provision is that is going to take effect in 2009—that was actually passed in 2004 to make our manufacturing competitive with international competition—issued a statement of administration policy noting that “the Administration strongly opposes the provision in the bill that would subject U.S. companies to continued double taxation by delaying the effect of new rules for allocating worldwide interest for foreign tax credit purposes.”

Let's look at the Senate Republican alternative. I hope people listening know that a minority in the Senate has a responsibility to have alternatives, not just jab at the majority position. So we have this responsible alternative. It contains alternative minimum tax relief and extensions of individual and business tax provisions, but with no offsets, following the philosophy we have that if you have had tax policy in place for decades that tends to sunset from time to time—it has been on the books—you should not

have to raise taxes on new people to extend it for a few more years. So there are no offsets for the continuation of existing tax policy.

It also includes the Ensign-Cantwell energy tax incentives, an unoffset provision which was approved by the Senate by a vote of 88 to 8. This means an overwhelming majority of this body were willing to pass energy extenders without requiring offsets.

So why, if we have a vote of 88 to 8 to extend energy tax credits for a few years, and we do not have to offset it—how does the other side get the idea that if you had other tax policies that maybe have been on the books for decades and sunset, you have to have offsets for that? I do not understand the inconsistency.

The bottom line is, we need a package that can garner 60 votes in the Senate and get a signature by the President of the United States. So Senate Republicans will seek to proceed to the Senate Republican leadership bill which contains a package of proposals that have bipartisan agreement.

Mr. President, I yield the floor, and since I do not see other Members ready to speak, 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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Mr. President, this morning we had two more opportunities to address rising gas prices and do something immediately as the price of gas per gallon goes over \$4 in Steubenville and almost \$4 in Dayton and even higher in some places in my State and in the Presiding Officer's State of New Jersey. We had two more opportunities to address rising gas prices immediately and longer term.

We need to start immediately to invest in renewable energy rather than the other choice of continuing to line the pockets of big oil. We could have helped to begin to create tens of thousands of good-paying, green-collar jobs right here at home. Once again, the Bush administration opposed our efforts and Republican Senators joined the Bush administration and refused to put middle-class families first.

The Consumer-First Energy Act is a good first step in providing immediate relief to drivers in Ohio and across the land who are faced with soaring gasoline and diesel prices.

The other night I had a conference call with 20 truckers. Think about what this has done to them. Many of them have had to sell their trucks. They are simply not able to afford the \$4.50 and up per gallon price of diesel. Oil prices are setting record highs, it seems, every week, and yesterday closed at over \$136 a barrel.

This legislation will help in the short term and allow us to get through and

offer some assistance to motorists to get through the summer driving season. The policies that created this gas price crisis didn't happen overnight. Before we attack the long-term problems, Ohioans need help now to get through the summer to keep trucks running, to keep the economy moving, to keep food prices in check as the cost of energy ripples through the whole economy and causes prices to go up generally.

Cities throughout Ohio are struggling to pay gas bills for the police cars, for EMS, for fire department vehicles, school buses, garbage trucks, and mass transit services.

We need to roll back the massive tax breaks for oil companies which would generate more than \$17 billion to be used for green energy, for renewable energy, and for energy efficiency. We will impose a 25-percent windfall profits tax on companies that fail to invest in increased capacity and renewable energy sources. We will ensure purchases for the Strategic Petroleum Reserve do not resume, especially when we are paying \$120, \$130, \$140, \$150 a barrel to put oil in the reserve. We will provide protection for consumers from price gouging. We call on the Justice Department again to be active and take on the oil companies as they seem to price gouge. We will work to stop market speculation, prevent traders of U.S. crude oil from routing transmissions through offshore markets to evade speculative limits.

Ohioans play by the rules. Americans play by the rules. So should the oil industry. So should the speculator. So should Wall Street.

There is so much we need to do. I call on my friends on that side of the aisle to join with majority Democrats: no more filibusters and let's get to work. Let's do the right thing short term to help American motorists deal with these outrageously high prices, long term to, in fact, after 30 years become energy independent and create the kinds of green jobs a good energy policy can create.

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

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

#### MORNING BUSINESS

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

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

#### NATIONAL HUNGER AWARENESS DAY

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger

Awareness Day. On this day, we focus on the more than 35 million people in the United States without enough to eat and reassert our commitment to assist those in need.

Millions of families live each day not knowing if they will have enough to eat. Rather than thinking about what the next meal will be, these parents worry if there will be a next meal. Rather than concentrate on homework, these children are trying not to think about their hunger pangs. In a nation as economically wealthy and agriculturally abundant as ours, this is inexcusable. If children—or adults—are hungry in America, that is a problem for all of us.

This administration has seen the number of people living in poverty rise from 31.6 million in 2000 to 36.5 million in 2006. The number of people living in households facing food insecurity rose from 31 million in 1999 to 35.5 million in 2006. In Illinois, over 158,000 households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week, it adds up to 500,000 households in Illinois living with food insecurity. These are working families who just aren't able to make ends meet.

At a time when millions of middle class Americans are struggling to keep up with higher gas prices, grocery bills, and health care costs, more and more families are looking to Federal programs for assistance. According to the U.S. Department of Agriculture, applications for food stamps are on the rise at the same time recipients are making more frequent use of food pantries to fill gaps in their grocery needs. Over 26 million people nationwide are dependent on the Federal Food Stamp Program. In April, 594,590 families in Illinois received food stamps, an increase of 5.84 percent from last year and the highest level ever in Illinois, equating to 1.3 million people. And since December, participation in the Women, Infants and Children, or WIC, food assistance program has increased 4 percent to a total of 296,000. But for the millions of people who don't have assistance, everything is different.

We know hunger is a reality in our communities. We see long lines at our food pantries. We have heard from seniors forced to choose between groceries and medication. And children are in our schools who have not had a decent meal since the previous day's school lunch. We see families showing up a day earlier than normal at the food pantry because the monthly pay is not stretching as far it once did. Parents are giving up their own meal to make sure their child has something to eat at night.

In the Nation that prides itself as the land of plenty, we cannot hide the fact that we need to do a better job at making sure everybody has at least enough to eat. The passage of this year's farm bill is a strong first step toward better

addressing hunger in our country. The farm bill provides 10 billion additional dollars over 10 years for domestic nutrition programs that help lower income families put food on the table, including \$7.8 billion for the Food Stamp Program, \$1.25 billion for the Emergency Food Assistance Program, and \$1 billion for the fresh fruits and vegetables snack program. In Illinois, over the next 10 years, this bill will provide \$373 million in additional funding to help families that haven't been able to outrun hunger.

But with one hungry person in our Nation, hunger will be a problem for all of us. I hope that we will continue to work together to fulfill our duty to end hunger in our Nation and the world.

Mrs. LINCOLN. Mr. President, I rise today to bring to my colleagues' attention the fact that today, June 10, 2008, is National Hunger Awareness Day.

As a founder of the bipartisan Senate Hunger caucus and an original cosponsor of the legislation establishing this commemoration, I believe hunger is an issue that deserves our full attention.

For the past 4 years, my fellow caucus cochairmen Senator SMITH, Senator DOLE, as well as Senator DURBIN and I have executed a food drive in our Senate offices with donations helping those in need in the Washington area. The collection began last month and culminates today National Hunger Awareness Day when we donate the collected goods to needy organizations.

I have worked with my Senate colleagues to draw attention to this issue because hunger and poverty are not just global issues they are so pervasive that we all have some experience with them in our local communities.

Worldwide, 3 billion people—nearly half the world's population—live on merely \$2 per day. In our Nation alone, almost 35.5 million Americans struggle day in and day out to find adequate nutritious food. More than 13 million children live in households that are food insecure.

According to the Arkansas Hunger Relief Alliance in my home State, approximately 80 percent of supplemental nutrition assistance goes to households with children, many of them in working families, including military families. Older Americans and those with disabilities also depend on these benefits. Every month, nutrition assistance programs enable almost 385,000 Arkansans 13.7 percent of my State's population to purchase groceries for themselves and their families.

As a member of the Senate Agriculture, Nutrition, and Forestry Committee, I worked to address this issue in the recently passed Food, Conservation, and Energy Act of 2008, and I am proud the bill aims to reduce food insecurity among our children and our elderly, and others in need. This bill commits \$10.36 billion to continue the fight against hunger. It represents the largest amount of funding for nutrition programs in our Nation's history. One billion dollars is allocated to the Fresh

Fruit and Vegetable Program, which provides free fresh fruits and vegetables to low-income children in schools nationwide. It also expands the senior farmers' market program by \$50 million to help them purchase fresh food at places like farmers' markets and roadside stands throughout the country.

In the coming weeks and months, I encourage my colleagues to become more aware, more educated, and more informed about the effects of hunger and poverty and to find out what impact you can have in your State and in your community. Government cannot do it alone, though.

It has been said: To those to whom much is given, much is required. We must continue to work together to devote our time and resources to organizations in our communities committed to this cause and develop public/private partnerships to combat food insecurity in this country. Hunger is a disease that has a cure. It is our responsibility to strive hard each and every day to eliminate hunger in our country and around the world.

#### SOMALIA

Mr. ISAKSON. Mr. President, on May 21, 2008, the Senate passed by unanimous consent S. Res. 541, a resolution on Somalia introduced by Senator FEINGOLD. As the new ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I wholeheartedly support bringing about change in Somalia to allow for a viable government that will benefit the people of Somalia as well as the entire region.

The United States has a critical interest in establishing a secure and stable government and society in Somalia. I support the U.S. strategy in Somalia and believe that the only way to stabilize the country is through political reform, humanitarian assistance, deployment of African Union forces, and to keep terrorists from seeking refuge in Somalia. It is important that the Senate recognize that it is in the interest of the United States, as well as the entire region, that the sustainable peace in Somalia we seek create a government that does not threaten or seek to destabilize its neighbors or provide safe haven to known terrorists that are a threat to the U.S. and the Horn of Africa.

I also wish to emphasize that it is equally important that the Senate take great care in calling for a timeline for the withdrawal of Ethiopia's troops from Somalia. The resolution calls on Ethiopia to develop a timeline for the "responsible" withdrawal of its armed forces from Somalia. I believe Ethiopia to be in full agreement with this language and would like to withdraw its forces as soon as possible; however, a "responsible withdrawal" requires a replacement to maintain peace and stability and to stop terrorism. I would urge the

African Union to continue sending peacekeeping forces to Somalia so that the Ethiopian forces can withdraw.

Furthermore, I strongly support all efforts that help convince Eritrea to play a constructive role in helping to bring about a stable Somalia. I urge the African Union, the United Nations and other peacekeeping groups in the region to pressure Eritrea to work with its regional partners to bring about peace and stability in Somalia.

#### CLIMATE SECURITY ACT

Mr. LIEBERMAN. Mr. President, I rise to respond to a statement that Senator PRYOR made on Friday, June 6. On that day, Senator PRYOR rose to express his support for the basic approach that the Lieberman-Warner Climate Security Act takes to reducing emissions of certain greenhouse gases called hydrofluorocarbons, or HFCs. Senator PRYOR praised our decision, in crafting the Climate Security Act, to subject HFCs to a separate cap-and-trade system rather than including them under the same cap with less potent greenhouse gases such as carbon dioxide. He expressed his hope that the initial level and reduction rate of the HFC cap could be revised before the bill becomes law. I welcome Senator PRYOR's focus on the Climate Security Act's HFC provisions, and I would like to work with him on that portion of the bill as it moves through the legislative process. I remain interested in increasing the specificity of those provisions while simultaneously expanding the area of consensus among manufacturers of HFCs, distributors of HFCs, manufacturers of equipment that uses HFCs, and the environmental community.

#### REMEMBERING CONGRESSMAN LIONEL VAN DEERLIN

Mrs. BOXER. Mr. President, I am honored to remember former Member of the House of Representatives Lionel Van Deerlin, who passed away on May 18, 2008, at the age of 93.

Lionel Van Deerlin, affectionately known as "Van," served in Congress for over 18 years, representing San Diego. His legislative legacy includes a key role in revising the Federal laws to permit California to set tougher emission standards than the rest of the Nation. As chairman of the House Subcommittee on Communications, he actively worked to update the 1934 Federal Communications Act in order to keep up with changing technologies. A leader in ethics, he was among the first congressional leaders to voluntarily disclose his personal finances.

Lionel was born in Los Angeles, CA, on July 25, 1914, and grew up in north San Diego County. He attended the University of Southern California, where he was editor of the *Daily Trojan*, and graduated in 1937. After graduation, he worked in journalism until World War II. Lionel honorably served

our Nation in the U.S. Army, returning to journalism and San Diego after the war.

A gentleman, a statesman, and a friend to all, Van earned the respect of his colleagues on both sides of the aisle. He tirelessly worked on behalf of the people of San Diego. His legacy is substantial in San Diego—he helped to establish the Naval Medical Center San Diego as well as a Veterans' Administration hospital. Lionel's spirit continues in the generations of leaders he mentored and counseled.

After leaving Congress in 1981, Van returned to journalism as a political columnist, first for the San Diego Tribune and later for the Union-Tribune. His columns, which were eagerly read by San Diegans regardless of political party, were remarkable for the clarity and common sense they brought to the political process. As a writer, his chief targets were hypocrisy and vested interests, while his chief passions were American participatory democracy and the San Diego region he knew and served so well.

Van is survived by three daughters: Mary Susan, Victoria, and Elizabeth Louise; two sons: Jeff and John; and four grandchildren.

Our country has lost a remarkable public servant and tutor with the passing of Lionel Van Deerlin. His contributions to the people of San Diego, the State of California, and our Nation should be remembered.

#### LITIGATION COST DEDUCTIONS

Mr. SPECTER. Mr. President, on March 8, 2007, I introduced S. 814. The bill has nine cosponsors: Senators GRAHAM, SMITH, CRAPO, MARTINEZ, LANDRIEU, WYDEN, LEAHY, SALAZAR, and STABENOW. It was included in the energy/business tax extenders package, on which a vote on the motion to proceed failed today.

S. 814, would allow attorneys to deduct reimbursable court costs and expenses—expert witness fees, copying and transcription costs, travel expenses—in the same tax period in which they are paid or incurred. For attorneys paid on a contingency fee basis, the Internal Revenue Service treats these expenditures as “loans” that may be repaid from any award or settlement at the end of the case. For this reason, currently most attorneys may take a deduction only in the same period he recognizes the income from the award—which may be years after the attorney has paid the expense/cost. This is a burden on, and often unfair to, solo practitioners and attorneys in small firms who may have to assume costly loans because they do not have the resources to carry these expenses for multiple years.

In addition, the tax treatment of these expenses is not uniform in all jurisdictions—as some courts have disagreed with the IRS on the current treatment. This is another reason the current rule is unfair and should be changed. Finally, I note that the IRS interpretation is based on State legal

ethics rules about advances to clients that have since been changed.

I voted against cloture on the motion to proceed even though I obviously support S. 814, and although I also support the tax extenders that expired at the end of 2007—including the R&D tax credit, teacher expenses deduction, tuition deduction, and accelerated depreciation for leasehold and restaurant improvements. I also support some tax extenders that are set to expire at the end of 2008—including renewable energy tax incentives.

The main sticking point between Democrats and Republicans is whether temporary extensions of tax relief should be offset with permanent tax increases elsewhere. On April 23, 2008, I, along with 40 other Republicans, wrote to Finance Chairman BAUCUS to support “enacting a 2008 AMT patch and extending the various expiring tax provision without offsetting tax increases.”

The vote was a demonstration by Republicans that they have numbers and that they need to be included in the process of drafting the bill. Republican leadership had no expectation that any Republican amendments would be allowed because of Leader REID's standard operating procedure of filling the tree and filing cloture.

I am told that the leadership on both sides and the chairman and ranking member of Finance will now sit down to discuss the next steps. I think this is a positive development and I will encourage the inclusion in a bipartisan bill of the proposed amendment to the Internal Revenue Code that is embodied in S. 814.

#### REQUEST TO BE NOTIFIED

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of any legislation that amends the Immigration and Nationality Act. I intend to reserve my right to object to any such request unless legislation to reauthorize the E-verify program run by the Department of Homeland Security is included.

Last week, I introduced legislation to permanently extend the employment verification program, which was created in 1996. This program has been a valuable asset for more than 69,000 employers across the country that want to comply with our immigration laws. This program needs to be reauthorized this year. For that reason, I have asked the minority leader to consult me before any unanimous consent agreement on immigration legislation is considered.

#### COLLAPSE OF THE MIDDLE CLASS

Mr. SANDERS. Mr. President, I ask unanimous consent to have printed in the RECORD “Letters from Vermont and America.”

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

#### THE COLLAPSE OF THE MIDDLE CLASS

##### LETTERS FROM VERMONT AND AMERICA

Dear Friend, As gas and oil prices soared and as the nation slipped into recession, I made a request to Vermonters on my e-mail list. I asked them to tell me what was going on in their lives economically. That was it. Frankly, I expected a few dozen replies. I was amazed, therefore, when my office received over 600 responses from all across the State, as well as some from other states. This small booklet contains a few of those letters.

It is one thing to read dry economic statistics which describe the collapse of the American middle class. It is another thing to understand, in flesh and blood terms, what that means in the lives of ordinary Americans. Yes, since George W. Bush has been in office 5 million Americans have slipped into poverty, 8 million have lost their health insurance and 3 million have lost their pensions. Yes, in the last 7 years median household income for working-age Americans has declined by \$2,500. Yes, our country, for the first time since the Great Depression, now has a zero personal savings rate and, all across the Nation, emergency food shelves are being flooded with working families whose inadequate wages prevent them from feeding their families.

Statistics are one thing, however, and real life is another. The responses that I received describe the decline of the American middle class from the perspective of those people who are living that decline. They speak about families who, not long ago, thought they were economically secure, but now find themselves sinking into desperation and hopelessness.

These e-mails tell the stories of working families unable to keep their homes warm in the winter; workers worried about whether they'll be able to fill their gas tank to get to their jobs; and seniors, who spent their entire lives working, now wondering how they'll survive in old age. They describe the pain and disappointments that parents feel as they are unable to save money for their kids' college education, and the dread of people who live without health insurance.

In order to try and break through the complacency and isolation inside the Washington Beltway, I have read some of these stories on the floor of the Senate. It is imperative that Congress and the corporate media understand the painful reality facing the middle class today so that we can develop the appropriate public policy to address this crisis. We must expand low income home heating assistance, stop oil profiteering and price gouging, and support programs that address the growing crisis of hunger in America. The National Priorities Act (S. 818) that I introduced in this session of Congress is one example of legislation that would address the growing crisis.

Let me conclude by thanking all of those people who have so kindly shared their lives with me through these letters. I know that for many of you this was not an easy thing to do.

BERNIE SANDERS,  
United States Senator.

Here are letters from two mothers in Vermont. The first is from a woman in rural area; the second is a single mother in a small city.

*We have at times had to choose between baby food and heating fuel.*

My husband and I have lived in Vermont our whole lives. We have two small children (a baby and a toddler) and felt fortunate to own our own house and land but due to the increasing fuel prices we have at times had to choose between baby food/diapers and



heating fuel. We've run out of heating fuel three times so far and the baby has ended up in the hospital with pneumonia two of the times. We try to keep the kids warm with an electric space heater on those nights, but that just doesn't do the trick.

My husband does what he can just to scrape enough money for car fuel each week and we've gone from three vehicles to one just to try and get by without going further into debt. We were going to sell the house and rent, but the rent around here is higher than what we pay for our monthly mortgage and property taxes combined. Please help.

*By February we ran out of wood and I burned my mother's dining room furniture.*

I am a single mother with a 9 year old boy. We lived this past winter without any heat at all. Fortunately someone gave me an old wood stove. I had to hook it up to an old/un-used chimney we had in the kitchen. I couldn't even afford a chimney liner (the price of liners went up with the price of fuel). To stay warm at night my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I'd hang a blanket from the kitchen doorway and we'd sleep right there on the floor. By February we ran out of wood and I burned my mother's dining room furniture. I have no oil for hot water. We boil our water on the stove and pour it in the tub. I'd like to order one of your flags and hang it upside down at the capital building...we are certainly a country in distress.

These two letters describe the pressures faced by Vermonters on family life.

*Not spending those 10 hours at home with my husband and son makes a big difference for all of us . . .*

As a couple with one child, earning about \$55,000/year, we have been able to eat out a bit, buy groceries and health insurance, contribute to our retirement funds and live a relatively comfortable life financially. We've never accumulated a lot of savings, but our bills were always paid on time and we never had any interest on our credit card.

Over the last year, even though we've tightened our belts (not eating out much, watching purchases at the grocery store, not buying "extras" like a new TV, repairing the washer instead of buying a new one...), and we find ourselves with over \$7,000 of credit card debt and trying to figure out how to pay for braces for our son.

I work 50 hours per week to help earn extra money to catch up, but that also takes a toll on the family life—not spending those 10 hours at home with my husband and son makes a big difference for all of us. My husband hasn't had a raise in 3 years, and his employer is looking to cut out any extra benefits they can to lower their expenses, which will increase ours.

*I want to drop everything I am doing and go visit him.*

My 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him, however, I am finding it hard to save enough money to add to the extra gas I'll need to get there. I am self-employed, with my own commercial cleaning service and money is tight, not only with gas prices, but with everything. I make more than I did a year ago and I don't have enough to pay my property taxes this quarter for the first time in many years. They are due tomorrow.

These letters speak of retirement. One is from an older Vermont couple who recently stopped working; the second is from a woman in a small town in Vermont who is thinking about the future she and her husband face.

*We also only eat two meals a day to conserve.*

My husband and I are retired and 65. We would have liked to have worked longer but because of injuries caused at work and the closing of our factory to go to Canada, we chose to retire earlier.

Now with oil prices the way they are we cannot afford to heat our home unless my husband cuts and splits wood, which is a real hardship as he has had his back fused and should not be working most of the day to keep up with the wood. Not only that he has to get up two or three times each night to keep the fire going.

We also have a 2003 car that we only get to drive to get groceries or go to the doctor or to visit my mother in the nursing home three miles away. It now costs us \$80.00 a month to go nowhere. We have 42,000 miles on a 5 year old car.

I have Medicare but I can't afford prescription coverage unless I take my money out of an annuity, which is supposed to cover the house payment when my husband's pension is gone.

We also only eat two meals a day to conserve.

*My husband and I are very nervous about what will happen to us when we are old.*

Yesterday I paid for our latest home heating fuel delivery: \$1,100. I also paid my \$2,000+ credit-card balance, much of which bought gas and groceries for the month.

My husband and I are very nervous about what will happen to us when we are old. Although we have three jobs between us and participate in 403B retirement plans, we have not saved enough for a realistic post-work life if we survive to our life expectancy. As we approach the traditional retirement age, we are slowly paying off our daughter's college tuition loan and trying to keep our heads above water.

We have always lived frugally. We buy used cars and store brand groceries, recycle everything, walk or carpool when possible and plastic our windows each fall. Even so, if when our son decides to attend college, we will be in deep debt at age 65.

P.S. Please don't use my name. I live in a small town, and this is so embarrassing.

These letters speak about the emotional consequences of the current economic situation and are from a man who lives in a small town near the New Hampshire border, and from a woman who lives in central Vermont. *The pennies have all but dried up . . . Today I am sad, broken, and very discouraged.*

I, too, have been struggling to overcome the increasing costs of gas, heating oil, food, taxes, etc. I have to say that this is the toughest year, financially, that I have ever experienced in my 41 years on this earth. I have what used to be considered a decent job, I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful that my employer understands that many of us cannot afford to drive to work 5 days a week. Instead, I work three 15-hour days. I have taken odd jobs to try to make ends meet.

This winter, after keeping the heat just high enough to keep my pipes from bursting (the bedrooms are not heated and never got above 30 degrees) I began selling off my woodworking tools, snowblower, (pennies on the dollar) and furniture that had been handed down in my family from the early 1800s, just to keep the heat on.

Today I am sad, broken, and very discouraged. I am thankful that the winter cold is behind us for a while, but now gas prices are rising yet again. I just can't keep up.

*I don't go to church many Sundays, because the gasoline is too expensive to drive there.*

As a single parent, I am struggling every-day to put food on the table. Our clothes all

come from thrift stores. I have a 5-year-old car that needs work. My son is gifted and talented. I tried to sell my house to enroll him in a school that had curriculum available for his special needs. After 2 years on the market, my house never sold. The property taxes have nearly doubled in 10 years and the oil to heat it is prohibitive. To meet the needs of my son, I have left the house sit and moved into an apartment near his high school. I don't go to church many Sundays, because the gasoline is too expensive to drive there. Every thought of an activity is dependent on the cost. I can only purchase food from dented can stores . . . I am stretched to the breaking point with no help in sight.

More descriptions of what it feels like to be caught in the American economy of the early years of the 21st century. These letters are from a man in north central Vermont and from a man in rural Pennsylvania.

*At the rate we are going we will be destitute in just a few years.*

Due to illness my ability to work has been severely limited. I am making \$10 an hour and if I am lucky I get 35 hours a week of work. At this time I am only getting 20 hours as it is "off season" in Stowe. It does not take a mathematician to do the figures. How are my wife and I supposed to live on a monthly take-home income of less than \$800? We do it by spending our hard earned retirement savings. I am 50 and my wife is 49. At the rate we are going we will be destitute in just a few years. The situation is so dire that it is all I can think about.

Soon I will have to start walking to work, an 8-mile round trip because the price of energy is so high it is that or go without heat.

As bad as our situation is, I know many in worse shape. We try to donate food when we do our weekly shopping but now we are not able to even afford to help our neighbors eat. What has this country come to?

*I am just tired . . . I work 12 to 14 hours daily and it just doesn't help.*

I am 55 years old and worse off than my adult children. I have worked since age 16. I don't live from paycheck to paycheck, I live day to day. I can only afford to fill my gas tank on my payday thereafter, I put \$5, \$10 whatever that I can. I cannot afford to buy the food items that I would. I am riding around daily to and from work with a quarter of a tank of gas. This is very scary as I can see myself working until the day that I die. I do not have a savings, no credit cards and my only resources are thru my employment. I have to drive to work as there are no buses from my residence to work. I don't know how much longer I can do this. . . . I am concerned as gas prices climb daily. I am just tired, the harder that I work the harder it gets, I work 12 to 14 hours daily and it just doesn't help.

Two women, the first from the Northeast Kingdom of Vermont, the second from a small city in Vermont, write about their situation and their fears.

*Now we find that instead of a feeling of comfort, we have a feeling of dread.*

I live in the beautiful Northeast Kingdom. There are only a handful of decent jobs available, and the wages everywhere else are not very good. My husband and I have done what we had to in order to survive and to make a decent life for our two children, aged 7 and 4. He has worked steadily at a local plant for 15 years, and I have worked part-time in order to pay the bills without having to rely on daycare. We live a modest life and do not live beyond our means. We have no flat-screen TV, no cell phones, no iPods, and have only one vehicle payment. We thought that finally, maybe, we would be able to get ahead.

Now we find that instead of a feeling of comfort, we have a feeling of dread. It seems like every time we do the right thing and try to move ahead for our family, something out of our control happens in order to slap us back down. I have always been a big pusher of "if you can do something to change your situation, do it." Now, even though we are doing everything right, my husband and I find ourselves extremely worried about this winter. I have no answers as to how to make the oil prices lower.

My husband and I have tried, again, to do the right things by limiting our driving and by setting the heat at 68 degrees all winter. We even had our home made as energy efficient as possible, yet we now find ourselves unsure if we will be able to pay for both the mortgage and our oil next winter.

*Some nights we eat cereal and toast for dinner because that's all I have.*

I am a working mother of two young children. I currently pay on average around \$80.00 a week for gas so that I can go to work. I see the effects of the gas increase at the grocery stores and at the department stores. On average I spend around \$150.00 per week at the grocery store and trust me when I say I don't buy prime rib—I buy just enough to get us through the week and I can't afford to make sure we have seven wholesome meals to eat every night of the week—some nights we eat cereal and toast for dinner because that's all I have. My family has had to cancel our annual trip to the zoo, and we make less trips to see our families in another town due to the increase of gas. The price of gas has created a hardship for most average Americans. We have less money to pay to living expenses which have also increased. It seems as if it's just a rippling effect. I am really scared of what the future holds for me and my kids because I just simply cannot afford to live from day to day. I am getting further and further in credit card debt just trying to stay afloat.

Some letters are from people who work in health care and report on what is happening in their towns. The first of these is from a small town in north-central Vermont; the second is from a small town in the state of Washington.

*Insurance costs continue to rise causing some to forgo insurance to pay for gasoline, heating fuel and groceries.*

As the chief of a small ambulance service, I have seen the impact of rising costs.

As a service made up of primarily volunteers, we have seen our numbers decline. When soliciting for volunteers from the community, we have been told that they are unable to put the time in due to the need to work more just to pay their bills.

Our costs associated with running an ambulance have also risen in the last few years. When discussing with our suppliers, fuel prices play a large part in the increase—both to manufacture and to transport.

We are hearing from more and more Vermonters that insurance costs continue to rise causing some to forgo insurance to pay for gasoline, heating fuel and groceries.

In speaking with other ambulance services both volunteer and paid, most including ours, are delaying purchases on major equipment such as ambulance replacements, due to limited funding. This means we have older equipment, and higher maintenance costs.

*Dentistry is expensive and people are opting not to come to the dentist.*

I live in Washington. I drive about 10 miles to work every day. I drive an eight-year-old car that gets about 25 miles per gallon. My husband is a contractor and drives a small pickup truck that gets very poor mileage. Together I have estimated that we spend

about \$300 a month on gas. This has a tremendous effect on our budget. We are watching every penny we spend.

I work in a dental clinic that is also seeing a slowdown. Dentistry is expensive and people are opting not to come to the dentist or not getting the optimal dentistry they need. I spoke to the medical doctor across the hall from our office. He was telling us that they too have seen a slowdown in their practice. People are forgoing a trip to the doctor to save money. One of my patients told me a story yesterday about a food bank in town that is finding it difficult to keep its shelves full. They had a realtor who was a regular contributor. Now she was coming to get food for herself. The cost of food is rising at a tremendous rate.

Rising gas prices have an effect on medical care as well, as this letter from an oncology social worker in a Vermont city reveals.

*I cannot describe how devastating it has been for these folks who need to travel great distances to get to/from their cancer treatment.*

My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund through the Cancer Patient Support Program which provides funds to cancer patients in need during their cancer journey, including initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

I cannot describe how devastating it has been for these folks who need to travel great distances to get to/from their cancer treatment and followup care with the way gas prices have been!

Many of these folks need to travel on a daily basis to radiation therapy for several weeks while others come from surrounding counties every one to two weeks for chemotherapy. It [the high price of gas] has had a tremendous impact on our ability to provide the financial assistance through our emergency fund to all those in need.

Someone with cancer who has to get treatment has no choice in how many times they need to travel great distances. They have to have reliable transportation, and thus need access to gas for their cars, or another family member's car, to get to their treatment and followup care.

This is becoming increasingly difficult as gas prices continue to rise and our emergency fund cannot meet all the financial needs of these patients.

This is the story of a woman who lives in a suburban community near Burlington, Vermont. Following it is a short letter from a senior citizen in a very small town in the mountains of central Vermont.

*I feel as though I am between a rock and a hard place no matter how hard I try to adjust my budget for the month.*

First of all, I am a single mother of a 16 year old daughter. I own a condominium. I have worked at the hospital for 16 years and make a very good salary, in the high \$40,000 range.

I own a 2005 Honda Civic. I filled up my gas tank yesterday, April 1, and it cost me almost \$43. That was at \$3.22 per gallon. If prices stay at that level, it will cost me \$160 per month to fill up my gas tank. A year ago it cost me under \$20 to fill up my tank. Which would have amounted to approximately \$80 per month. I now have to decide what errands I really need to run and what things I can do over the phone or on the Internet. But the other issue is if I use my cell phone too much during the month my bill will increase and that will cost me more money.

I feel as though I am between a rock and a hard place no matter how hard I try to ad-

just my budget for the month. I am watching my purchases in the grocery store and department stores more closely because of increased prices. I am not sure that I can afford to take a summer vacation this year. I usually take a day off during my daughter's spring vacation so we can go shopping in New Hampshire somewhere. I have already cancelled those plans for this year. I am hoping that I can take a few days off this summer to go to Maine. We will see how the gas prices are this summer but I hear it is going to get worse. Not much hope for someone on a tight budget.

*I have been forced to go back to work.*

I am a 71 year old man and have been retired since 2000. With the price of fuel oil I have been forced to go back to work just to heat my home and pay my property taxes.

These two women who live in small towns in central Vermont write about their sense that their families are sinking, economically.

*We would like to not have to worry about where our next meal will come from.*

I am a registered school nurse in Vermont, and my husband is a self-employed bread baker. We are in our mid 30's and have two young children. We always thought that if we went to college, earned 4-year degrees, and worked hard, that we would be able to live a decent life. We have no desire to be wealthy, but would like to not have to worry about where our next meal will come from.

As you know, wheat prices are soaring. Over the last year, he has seen his price per 50-pound bag of flour increase about \$10 or more (last week alone, price per bag went up \$2.75). We are feeling distraught that we may never "get ahead" but will always be pedaling to just keep up . . . Employed in Vermont since 1997, I will be paying back my nursing loans for a long time—longer now that we just can't keep up with the rising costs of oil and wheat.

My husband and I both work very, very hard to provide needed services to our Vermont communities. Yet we scratch our heads when trying to budget our income. How can it be that two college-educated individuals with respectable careers are in such a financial bind?

*My husband and I followed all the rules . . .*

*Slowly, though, we have sunk back to the 'poor' days.*

My husband and I followed all the rules. He grew up in urban projects and went into the military with Vietnam service so he could get GI Bill benefits and go to college. I grew up picking strawberries as a migrant worker, but had a mother who so pressed education that I was able to go to college on scholarship and by working full time nights in a mental hospital. My husband and I worked hard to buy a home, maintain good credit, even taking government jobs because we truly wanted to help others. I became disabled and unable to work, but we managed to live a middle-class life on one salary.

Slowly, though, we have sunk back to the 'poor' days. Our heating oil bill, gas prices, food prices—well, you know the story. Even a pizza is a splurge now. The interest on our meager savings doesn't seem worth keeping the money in the bank. We're so much more fortunate than many others, since we can still meet our bills, but we're scared that we'll drop beneath that level soon. It doesn't seem right that after working hard and following all the rules for our lives, now, at 60, we're tumbling down.

These two letters, one from a man in a Chicago suburb, and one from a teacher in Vermont's Connecticut River Valley, also speak of the sense of falling behind in the 21st century American economy.

*It costs me so much money in gas that my wife and I live on \$6 per day to eat.*

My job was transferred to China 8 years ago. No jobs were available in my field. I tried to do everything I possibly could do in finding another job outside of my field but failed. My unemployment ran out. I lost everything: House, cars and the will to live. My wife and I moved into my in-law's basement after this catastrophe. I regained my never-give-up outlook on life. I went back to school. I spent \$13,000 on my education to become a residential home inspector. That market is in turmoil, and I can't make any money in it these days. I am still self-employed now performing various inspections on the commercial side within the northern half of Illinois. I drive on average 250 miles per day. It costs me so much money in gas that my wife and I live on \$6 per day to eat. I can't afford health insurance for my wife and I because that money is in the gas tank every week. The irony of it is my wife is a nurse. She's expecting the doctor she works with to close his office any day now because he's behind in his malpractice insurance. His premiums are too high and he's 120 days past due on his office lease payments because he's trying to keep the malpractice insurance in effect. He stopped offering health insurance to his employees 2 years ago with his increasing costs. I still live in a basement. Do you need any more evidence that our country and our leaders have failed me?

*How much more of a hit can people take? The future looks extremely bleak to me.*

Bernie, I am so frightened for next year, as I struggle daily this year. I drive past the gas stations and see the price go up. Those prices are going up even 10 cents a gallon in one day.

What about heating fuel next year? I spent this winter with my heat turned down to 53 degrees, varying it only for a few hours after I returned home from work. I have my master's degree and am a teacher. I am struggling so hard in my new home. It's a double wide and I've waited 50 years to get my own home. Now, I am worried I won't be able to keep it as everything else is going up, except my salary, which next year will only go up slightly more than 1 percent.

The middle class is no longer the middle class...I've slipped into the lower class after a winter of double heating costs and now these new economic hits. How much more of a hit can people take? The future looks extremely bleak to me. I worry constantly about how I am going to pay my bills.

The first letter is from a young person in a small, rural, college town in Vermont. The second was written by a woman who lives in a city on the Gulf Coast of Florida.

*I am now living out of my car.*

As a student and a part time employee working for just above minimum wage I have found it more and more difficult to survive under these conditions. The drive to school and work require me to use roughly 30 percent of my paycheck just to go where I need to, to make it through my day.

When school is in session I am lucky to get about 170 dollars a week and with gas prices at their current all time high I am continually finding myself under hardships because of it. Recently I had to vacate my apartment because I could not afford to pay rent and I am now living out of my car. This too seems like it may not be able to last that much longer because I am encountering difficulties in making my car payment.

I can remember when gas prices were a little over a dollar and I dream about life taking that turn once more. Because of the gas prices I have found nothing but an extremely low budget for food, I was forced out of my

home and now I might lose the one thing that is allowing me to continue my schooling and keep going to work—my car.

I am struggling to understand why prices continue to rise and I see no end in sight.

*Our life style has drastically changed in the past 12 months.*

I travel over 30 miles one way (60 miles roundtrip). My car requires high test which is now \$3.95/gal. I have approached my company about doing a survey of its employees to see how many co-workers travel over 20 miles one way, and suggested that we start to work on a commuter policy. I suggested four 10-hour work days, telecommuting, setting up car pools, setting up incentives for car poolers. I was turned down. I was able to find another person who was interested in car pooling & we have started to do that. I take breakfast, coffee, lunch, and snacks to work daily. I do not go to the hair dresser or nail salon as I used to. We stopped taking weekend trips and plan to see our children in NJ only once this year. Between the 30 percent credit card interest rates, fuel cost, and food increases our life style has drastically changed in the past 12 months.

Two women from Vermont write about what the economy is doing to them and their families.

*My mortgage is behind, we are at risk for foreclosure, and I can't keep up with my car payments.*

I am a 31 year old wife, mother of two. How has this affected me? My husband drives 35 miles to work, that is a one-way trip. He is putting an average of \$80 a week into his gas tank. No, he doesn't drive an SUV or a half-ton work truck. It's a small pickup truck that he needs as he builds houses. The kicker is that he never puts more than half a tank in, because we can't afford to fill it. I drive 15 miles one way, and put about \$40 a week into my 30-miles-to-the-gallon car. Again, I never fill the tank—ever. We have even contemplated having my husband quit his job because he isn't making much more money weekly than he spends on gas. We could move to an area that is closer to our jobs, but because of the market, we cannot sell our house fast enough, or for a fair price.

Meanwhile, my mortgage is behind, we are at risk for foreclosure, and I can't keep up with my car payments. My parents, both in their 60's, are back to work so that they can make ends meet, and struggle to come up with enough gas money so they can get to doctor's appointments. They are opting to close their house up for the winter, and stay with my uncle so they don't have to put oil in their furnace. I can't tell you how many times we had to fill our little gas tanks with kerosene or diesel because we ran out of oil and couldn't afford the \$380 it would cost us to put a mere 100 gallons in. Needless to say, we are way behind on all of our bills, we are still playing catch up with our winter expenses. People that I know that have never struggled with money, are now frequenting our local food shelf so they can feed their families staple foods. Please listen to our pleas and put ethics first.

*We are barely staying afloat.*

My family has been hit so hard by this economy, we are barely staying afloat. We have remortgaged the house 4 times in the last three years to pay credit card debt. Now we are trying to tap into our annuity to pay more credit card debt. The debts on the credit cards are all for bills. Mostly grocery, oil and the mere cost of living.

My husband is a union carpenter and they just changed our fantastic insurance plan to a terrible one with barely any coverage. I have none of my doctors on it and I suffer from painful nerve damage. I am not eligible

for social security disability and I am unable to work.

We had a dream to own our own home, and that dream came true seven years ago. I am afraid our dream is slipping through our fingers and it won't be long before we lose our home, the way things are going.

A young couple in Burlington, Vermont writes of their situation and their concerns.

*I wonder some times if we should try to follow our dreams—decide to have children?*

Even after we bought our house, there was a time when I could save a little here and there and feel secure and hopeful for the future.

Recently, I have been trying to stretch out time between grocery trips and have chosen to postpone necessary repairs to our house simply because we just don't have the money to do so.

We are frugal people with simple spending habits, mainly food and our house expenses. We ride bicycles, buy bulk foods and used clothing, repair and mend before buying new, and we love this life.

But if we can't fix our roof, or become malnourished from food choices on a family income of \$50,000 yr, then what does the future hold for the next generation?

I wonder some times if we should try to follow our dreams—decide to have children? Try to buy a farm? All of these thoughts lead me to another emotion—sadness.

These letters, the first from a single mother in Vermont, the second from a retired couple also in Vermont, ask questions that we as a Nation should listen to.

*People say, 'Cut back.'*

I am a single mother, owning a home, preparing to send a son to college, and working two jobs most of the time. While I am managing to keep my house (I think I'm upside down given the slump in market value), I am falling behind on my bills and have to use my credit card more often for necessities.

*People say, 'Cut back.'*

When I look at my bank and credit card statements, I see; gas, groceries, gas, fuel oil, gas, groceries, school-related activities, car maintenance, gas, electricity. Cut back on what? The occasional pizza between jobs and athletic events? The trip to college to seek financial aid? Clothes for work and school?

*Does anybody have a solution? Does anybody in Washington care?*

Thanks for your invitation to talk with you. We are retired, 70 and 65 and living on Social Security and some savings.

Like most Vermonters we use wood to offset the price of being warm. Our last oil fill up was nearly \$700. How can we continue to make ends meet? My gasoline cost \$239 last month. Food and everything else we buy is going up every week because of gouging from oil companies. We are worried about the national debt and the trade deficit. What can be done to bring them down? Does anybody have a solution? Does anybody in Washington care?

#### HONORING RON MASON

Mr. LEVIN. Mr. President, I, along with my Michigan colleague, Senator STABENOW, would like to congratulate Ron Mason on a long and distinguished career at Michigan State University. He has been integral to the success of Michigan State's hockey program for more than 29 years and has positively impacted the lives of many young people throughout his tenure at MSU.

Ron Mason enjoys the distinction of being the winningest coach in college

hockey history. That is an impressive feat, one of which he, his family and the MSU community are proud. Ron spent 36 years as a college hockey head coach, 23 of which were behind the bench at Michigan State University. During his stellar career, he amassed 924 total wins and a record of 635-270-69 as head coach of the Spartans. Ron guided the Spartans to 17 CCHA regular season and playoff titles, and 23 appearances in the NCAA tournament, which stands as an all-time record. In 1986, he led the Spartans to their second NCAA Hockey National Championship in the school's history, and in 1972, he won a NAIA Championship as head coach of Lake Superior State University.

After retiring as head coach of the Spartans, Ron accepted the job of athletic director at Michigan State, where he would continue to make important contributions to the success of the 25-sport athletic department. Under his watch, the university won 11 conference championships and one national championship. Fittingly, the national championship was won by the ice hockey team, the program's third NCAA national championship. Ron's legacy as athletic director also includes the many contributions he has made in the lives of student-athletes at MSU off the field. These efforts include the PACT initiative which has enabled more than 300 student-athletes to participate in community outreach efforts, the establishment of the Student-Athlete Multicultural Center which provides leadership training to student-athletes, and his highly successful fundraising efforts for the athletic department.

One of the great privileges of coaching and working on the collegiate level is the impact an individual can have in shaping the lives of young men and women. Ron Mason accepted this responsibility and flourished. In the process, he has become an important figure in MSU's rich athletic tradition.

Ron's retirement will be aptly marked by a celebration on Thursday, June 12 at MSU. We know our Senate colleagues join us in paying tribute to Ron Mason on his many accomplishments over the years and wish him and his family the very best in their future endeavors.

#### IN REMEMBRANCE OF ALFRED WAGONER LOVELESS

Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to Alfred Wagoner Loveless, a tireless and dedicated community leader. Alfred was committed to serving the needs of his community and served in various positions throughout his adult life in Saginaw. His contributions were many, and he will be missed by those whose lives he touched.

Alfred Wagoner Loveless was born in Detroit, MI, on March 9, 1931, to Claude and Jesse Starr Loveless and moved shortly thereafter to Saginaw. He is a

graduate of Saginaw High School. During his years at Saginaw High, he excelled athletically and would ultimately set several school records in track and field. After his high school years, Alfred attended Bay City Junior College and Bishop College.

Alfred Wagoner Loveless was a man of great faith who was devoted to his family and to his community, and he received numerous awards and recognitions throughout his life as a result of his work. His community efforts focused on eradicating poverty, sickle cell prevention, along with promoting self-determination and self-sufficiency. Alfred is mourned by his family, the members of Zion Baptist Church, and many in the greater Saginaw community. Alfred is survived by his wife Gloria Hill Loveless and his son, Wagoner T. Loveless, in addition to a large extended family.

This is, indeed, a great loss to all who knew him or for those who have benefited from his work. I know my colleagues will join me in paying tribute to the life and work of Alfred Wagoner Loveless. I am sure his family takes comfort in knowing that his legacy will be remembered.

#### ADDITIONAL STATEMENTS

##### REMEMBERING WILLIAM T. "BILL" McLAUGHLIN

• Mr. BIDEN. Mr. President, I wish today to honor Bill McLaughlin, a man as renowned for his vision and leadership as for his soft touch and utter humanity. Bill passed away on May 30, 2008, but his legacy will live on for generations. Many remember Bill as a man who turned the city of Wilmington into one of the financial capitals of the world—I prefer to honor him as the truly decent, caring, and visionary gentleman whom I have admired for my entire career.

To summarize Bill McLaughlin's life in a few words is beyond my capabilities. It is impossible for me to speak of this brother, father, and grandfather in terms of his well-documented public accomplishments. To me, Bill McLaughlin was a friend, and a man.

As Shakespeare wrote, "His life was gentle, and the elements / So mixed in him that Nature might stand up / And say to all the world, / This was a man!"

Bill McLaughlin was a man. As we Irish say when we want to pay the highest compliment: Bill McLaughlin was a good man.

Bill was, at his core, a family man. He viewed everything through the prism of family. And he was a great city leader because he loved the city of Wilmington. On any given Sunday, you were as likely to see him at an African-American church as you were at Catholic mass.

Of all Bill's wonderful qualities, perhaps the most unique—and most useful—was his style of leadership. He had the insight to know what had to be

done and the wisdom to make other people think it was their idea.

He was one of the last men and women of the "greatest generation," recognizing that the values he was raised with—honor, decency, humility and sacrifice—were universal values that defined who we are as a nation. He used those ideals as his guidance, which is why Bill's courageous decisions as an elected official were both profound and simple for him. They were not difficult for him because they were obvious to him; Bill always knew his true north.

Bill McLaughlin was a model for all of us, not just elected officials. He lived his life, from beginning to end, by the same guiding principles upon which our Nation is built. Bill will be sorely missed, but as long as we remember his lessons, the world will be better off. As Yeats wrote in "The Lake Isle of Innisfree:"

I will arise and go now, for always night and day

I hear lake water lapping with low sounds by the shore;

While I stand on the roadway, or on the pavements grey,

I hear it in the deep heart's core.●

##### HONORING DR. DONALD F. AVERILL

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing Dr. Donald F. Averill as he retires after almost 50 years of service in education.

This month, Dr. Donald Averill will retire as chancellor of the San Bernardino Community College District, SBCCD. Prior to joining SBCCD, Dr. Averill served as the CEO of Palo Verde College. Dr. Averill more than doubled the enrollment of full-time students to provide increased educational opportunities throughout the region. His leadership enabled physical and economic growth of academic infrastructure and enabled Palo Verde College to earn accreditation. During his tenure as the CEO for the San Bernardino Community College District, he greatly improved the economic capacities of the district and increased cooperation between colleges and secondary institutions, increasing enrollment in the region by 45 percent.

Throughout his 47 years of service and commitment to improvements in education, Dr. Donald Averill provided leadership both in California higher education and in the San Bernardino community. He served as chairman of the Economic and Workforce Development Advisory Committee to the California Community College Board of Governors for 2 years and chaired the Human Resources Commission of the Association of California Community College Administrators for 5 years. He served the city of La Habra, CA, as a planning commissioner for 12 years. Dr. Averill has also served as president of the American Heart Association in Glendale, CA.

As he retires from providing leadership and guidance to the faculty, students, and staff of numerous institutions of higher education and to countless communities in California, I am pleased to ask my colleagues to join me in honoring a true leader in education and community development.●

#### HONORING NELL SOTO

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring California Assembly member Nell Soto on a lifetime of achievement and advocacy for the people of California. Throughout her tenure in both the California Assembly and the California State senate, Nell Soto has worked tirelessly to improve the quality of life for the people of California and our Nation. Despite recent health challenges, this June she will celebrate her 82nd birthday and can look back on a proud career in public service.

A sixth-generation resident of the City of Pomona, Nell Soto has been a lifelong member of the southern California community and has been a strong advocate for its communities throughout her life. Before coming to the California Legislature, Nell Soto served 12 years on the city council in Pomona. Her late husband Philip Soto served two terms in the state legislature from 1962 to 1966. Nell was the first woman from the San Gabriel Valley to serve on the South Coast Air Quality Management Board. She served 10 years as a public affairs representative with the Los Angeles County Metropolitan Transportation Authority. In 1998 she was elected to the California Assembly and in March of 2000 won a special election to secure a seat in the California State senate, a seat that she held until 2006. She now serves once again in the California Assembly.

Throughout her tenure in the California Legislature, Nell has been an impassioned advocate for stronger communities and an improved quality of life and has worked to make improvements throughout the California educational system. She has been a strong advocate of improvements in infrastructure and transportation and worked hard to secure the development of the Alameda Corridor East, an important rail transportation project in inland southern California. She has been an equally impassioned advocate for crime prevention, public safety, and the environment, and recently served as chair of the Assembly Select Committee on Perchlorate Contamination and has worked to secure funding for improvements in drinking water safety from perchlorate contamination.

A lifelong resident of southern California, mother of 6, grandmother of 11, great-grandmother of 3, and spirited supporter of community advocacy and selfless service, Nell Soto is a wonderful public servant. As she looks back on decades of leadership and celebrates her 82nd birthday, I am pleased to ask my colleagues to join me in recognizing her good work.●

#### TRIBUTE TO ELTON "MICK" RINGSAK

● Mr. CONRAD. Mr. President, today I pay tribute to an outstanding advocate of small and rural business, Elton "Mick" Ringsak, who will be concluding his time as Small Business Administration Region VIII Administrator in July of 2008.

For nearly 8 years he has been a champion for small business in rural America. He has recognized the important role they play in strengthening the local and national economies of our country and I have appreciated the excellent work he has done for the State of North Dakota. Mick has worked hard to provide Federal assistance to small businesses so they can be productive and grow.

Not only is Mick Ringsak an advocate for small and rural businesses in America, he is also an outstanding person. He has never lost the values he gained growing up in Grafton, ND. During my years as Tax Commissioner for the State of ND, I had the opportunity to work closely with his father, a legislator in the State Senate from the Grafton area.

Mick and his wife Claire are parents of three sons, Quint, Justin and Zach. He is trustworthy, honest, and dedicated to making the economic environment friendlier to small and rural businesses. Prior to his appointment appointed as the SBA Region VIII Administrator in 2001, Mick, a Vietnam veteran, owned and managed Miller's Boots and Shoes along with his brother-in-law in Butte, MT.

I appreciate his work as SBA Region VIII Administrator, and I wish Mick well in his future endeavors. I have enjoyed working with him in developing North Dakota's small and rural businesses and he has also been a good friend. I wish him all the best in his upcoming retirement and look forward to his continuing leadership for small business for many years to come.●

#### 125TH ANNIVERSARY OF AYR, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On June 21 and 22, the residents of Ayr will come together to celebrate their community and its historic founding.

Ayr is located in Cass County. Although its population is small, Ayr holds an important place in our State's history. Originally founded in October 1883 as Dunlop, the town was officially renamed Ayr by postmaster Frank Dickinson. He chose to name the community Ayr in recognition of Ayrshire, Scotland, the ancestral home of many of Ayr's citizens at the time. Later, some residents tried to change the name of the town again, but the territorial legislature took action to put an end to the renaming effort.

Ayr is a community dedicated to service, with many citizens serving

both in the government and military. Many in the community have also played a role in defining the preservation of North Dakotan history, with community members such as Keith Johnson who was responsible for much of the restoration of historic buildings in the Cass County 'Pioneer Village' project.

Mr. President, I ask the United States Senate to join me in congratulating Ayr, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Ayr and all other towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Ayr that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ayr has a proud past and a bright future.●

#### 100TH ANNIVERSARY OF HAGUE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 100th anniversary. On July 4 and 5, the residents of Hague will gather to celebrate their community's history and founding.

In 1882, a rural post office was established to serve the Grandin Brothers Bonanza Farm. In 1882, the Bonanza farm was 40,000 acres, which made it the largest wheat farm in the world. This Bonanza farm was managed by a man named John A. Hague, and he eventually lent his name to the town of Hague.

Today, Hague is a small but vibrant community in south, central North Dakota. Residents of the community are truly proud of the St. Mary's Catholic Church, a Gothic-style, brick building built in 1929 that is on the National Register of Historic Places. St. Mary's Church possesses an iron cross cemetery that is a German-Russian tradition, which makes it a unique cultural gem.

To celebrate its 100th anniversary, the town of Hague will be having a wide range of events. To start off the festivities, the residents will be participating in a Tractor Trek. The town will also have a rodeo, parade, concerts, a magician, cloggers, and fireworks. Kristi Goblade, a local resident of Hague, will be performing cowgirl yodeling at the opening ceremony. A performance by Mylo Hatzenbuehler, a country humorist, is also expected.

Mr. President, I ask the United States Senate to join me in congratulating Hague, ND, and its residents on their first 100 years and in wishing them well in the future. I believe that by honoring Hague and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Hague that have helped to shape this country into what it is today. I believe that Hague is deserving of our recognition.

Hague has a proud past and a bright future.●

#### 100TH ANNIVERSARY OF KIEF, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 21–22, the residents of Kief will gather to celebrate their community's history and founding.

Kief is a small town located in the center of North Dakota with a population of 16. The land upon which Kief was founded was first homesteaded by a Ukrainian immigrant named Anton Bokovoy. In 1908, he sold half of his land to the Tri-State Land Company, which then sold the land to other settlers from Scandinavia, Russia, and Germany, effectively establishing the town of Kief. It was customary to give the first settler the opportunity to name the town. Anton Bokovoy chose to name the settlement after his birthplace of Kiev, Ukraine.

Kief grew throughout the years. In 1910, the town was able to construct a schoolhouse, which served the community's students until it was closed in 1959. Kief officially became a village in 1918. At that time, the town had about 300 inhabitants. The many businesses that opened in Kief made the town a pleasant place to live. Multiple grain elevators and businesses related to agriculture offered a livelihood to many of the town's residents. In their free time, residents of Kief could be found enjoying themselves at the outdoor theater, pool hall, and bowling alley.

Today, Kief supports three businesses. Krueger's Standard Grocery has been in operation since 1982. Recently, a long haul trucking company and a truck freight brokerage have been established.

Current and former residents of Kief will gather to celebrate the 100th anniversary. They will enjoy a parade, an ice cream social, and a street dance. Children and adults will play horseshoes, tug o' war, and other games throughout the weekend. Horse and buggy rides will remind celebrants of the conveyances of yesteryear.

Mr. President, I ask the United States Senate to join me in congratulating Kief, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Kief and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Kief that have helped to shape this country into what it is today. I believe that the community of Kief is deserving of our recognition.

Kief has a proud past and a bright future.●

#### 125TH ANNIVERSARY OF LAKOTA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish to recognize a community in North Da-

kota that will be celebrating its 125th anniversary. During this year's July 4th celebration, the residents of Lakota will gather to celebrate their community's history and founding.

In 1882, Lakota, a Great Northern Railroad site, was founded. Lakota was named by Gov. Nehemiah G. Ordway for the Sioux word meaning "allies." Lakota's post office was established in 1883, and it was designated as the county seat in 1883. Lakota officially became a city in 1889.

Today, Lakota remains a small, proud farming community. Lakota residents enjoy many outdoor activities, from hunting to fishing in nearby Devils and Stump Lakes. Many residents take pride in the local golf course, Lakota Rock Creek Golf Course, saying that it is the "best course around." The community is home to the A. M. Tofthagen Library and Museum, which was recognized in 1991 as a North Dakota historical site by the National Register of Historic Places.

To celebrate the 125th anniversary, the residents of Lakota will gather for a wide range of events. An All School Reunion will be held during the same weekend of the anniversary celebration. Lakota will also celebrate with a variety show, banquet, craft show, parade, BBQ, a dance, car and motorcycle show, and lots of activities for the kids.

I ask the Senate to join me in congratulating Lakota, ND, and its residents on their first 125 years and wishing them well in the future. By honoring Lakota and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Lakota that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Lakota has a proud past and a bright future.●

#### 125TH ANNIVERSARY OF NEW ROCKFORD, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in Eddy County, ND, that will be celebrating its 125th anniversary. From July 3–6, the residents of New Rockford will gather to celebrate their community's history and founding.

The Eddy County region was populated mainly by settlers of Scandinavian origin. The first pioneers followed the trail blazed by earlier Red River buffalo hunters. Later, they came by way of the Northern Pacific Railway.

In 1882, Captain Walter G. Dunn established his merchandise store and post office just to the south of present-day New Rockford. As the railroads stretched northward, townsites promoters appeared a year later. These advocates sited the settlement along the James River and initially called it Garrison. Since Garrison was the name of another post office, the settlers decided

upon the name New Rockford, derived from the area's river crossing.

Today, New Rockford is a quiet, scenic place of 1,463 people. The township anchors a dynamic farm economy and contains a 117-acre industrial park. New Rockford is renowned for holding the Central North Dakota Steam Thresher's Reunion every third weekend of September, where a unique collection of antique operational steam engines is displayed. In addition, the community's rugged pioneering tradition persists and has been passed on to hometown son James Buchli, an astronaut and American hero.

New Rockford boasts a vibrant natural heritage and offers some of North Dakota's finest wildlife habitats. Blessed to be near the Sheyenne and James Rivers, the town is a prime locale for fishing. New Rockford is also a hub for hunters because of the waterfowl, whitetail deer, and upland game that populate the area.

To celebrate their 125th anniversary, the people of New Rockford have planned a number of events, including pitchfork fondues, dances, children's games, and a fireworks display.

Mr. President, I ask the United States Senate to join me in congratulating New Rockford, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring New Rockford and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as North Rockford that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New Rockford has a proud past and a bright future.●

#### 100TH ANNIVERSARY OF REEDER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 100th anniversary. On June 20–22, the residents of Reeder will gather to celebrate their community's founding and history.

Reeder is located in the scenic southwestern part of North Dakota with a population of about 181. The town was named after E.O. Reeder, an assistant chief engineer with the Milwaukee Road Railroad, which established a station in Reeder in 1908. By the end of 1908, it was a thriving prairie town with numerous businesses.

In celebration of the community's centennial, there are many activities planned for entertainment and to remember the town's history. Events will include a parade, variety show, bike races, dances, and plenty of food.

The centennial celebration will also serve as a high school reunion for the graduates of Reeder High School. The school closed in 2000, but the town has



turned it into the Dakota Prairie Enrichment Center. The community center is now used for receptions, basketball games, dances, and benefits. It also provides lodging for those who travel to the area to hunt, a popular activity in Reeder.

Mr. President, I ask the United States Senate to join me in congratulating Reeder, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Reeder and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. Places such as Reeder shaped this country into what it is today, which is why this fine community deserves our recognition.

Reeder has a proud past and a bright future.●

#### HONORING FREDERICKSBURG HIGH SCHOOL

● Mr. CORNYN. Mr. President, today I highlight an innovative and incredible education program started by science teacher Brett Williams from Fredericksburg High School in Fredericksburg, TX. The SystemsGo Aerospace program promotes engineering, strong workforce skills, and improved academic performance by teaching high school students how to design, develop and launch rockets.

The program is a 2-year, junior/senior program in which first-year students design and develop remotely operated vehicles and unmanned aerial vehicles for research or industrial applications. Second-year students design and fabricate rockets for testing at altitudes from 80,000 feet to 100,000 feet. Through successes and failures, students picked up valuable life skills such as problem solving, testing, analysis, documentation, reporting, project management, teamwork, and communication.

We are facing shortages of high-skilled workers in our country. The S&P, Standard & Poor's, top 500 companies alone report over 140,000 vacancies for these positions. By developing workforce skills in tandem with engineering studies, the SystemsGo Aerospace programs is training the next generation of scientists that will keep our country globally competitive.

More than a decade after Mr. Williams and his students launched their first rocket, Fredericksburg High School has received many accolades including being the first high school to design and develop rockets exceeding Mach 2. However, the statistic I find most impressive is that 80 percent of students in the aerospace program continue to pursue degrees in engineering in college.

By inspiring the next generation of scientists, we are not only investing in individual students' success but also to the overall wellbeing of our economy. America's most valuable asset is her human capital. It is critical that we continue to encourage exceptional teachers like Mr. Williams, and pro-

grams such as the SystemsGo Aerospace in order to maintain our global leadership in innovation.●

#### REMEMBERING CARL KULCZYK

● Mr. HARKIN. Mr. President, I was deeply saddened by the death of Carl Kulczyk last week.

I knew Carl the way many other Iowans did—through his passionate commitment to the work of bringing hope and health care to underserved communities in our State. When Carl began his work with the Iowa Department of Public Health 14 years ago, there were just four community health centers in Iowa; today there are three times as many health centers, a migrant program, and yet another community health center well on its way to getting permanent funding. Carl never cut a ribbon or spoke at a groundbreaking, but let me say this: The expansion of affordable, accessible health care services across Iowa would not have happened without Carl's hard work.

But that is not all. Carl worked to support Critical Access Hospitals. He brought physicians from overseas to care for Iowa's sick and elderly. He nurtured the psychiatric physician assistant training program. And, in his final days, he was working to get Iowans better access to dental care.

There is an old expression that we make a living by what we get, but we make a life by what we give. By that measure, Carl lived a very good life, indeed. He gave his time and talents to securing quality health care for tens of thousands of Iowans, most of them children—people who otherwise would have gone without any health care. And though he was dedicated to his work, his first priority was always his family.

In my book, the highest praise for Carl—for any person—is that he was a good and decent man. He dedicated himself to serving others. He had a mighty heart and was beloved by those of us who had the honor of calling him friend, colleague, husband, father, brother, or uncle.

Carl had a very special blend of passion, humor, determination, high intelligence, and a sense of adventure. He worked miracles for people who so desperately needed a miracle. He took care of the least among us, while never neglecting his family. I, for one, will always be in his debt and grateful for his service to the people of Iowa. I extend my deepest condolences to his wife Pam, to his children, Caleb and Ezra, and to his entire family.●

#### TAKE OUR DAUGHTERS AND SONS TO WORK DAY

● Ms. LANDRIEU. Mr. President, on April 24, 2008, 25 young men and women from Louisiana and the Washington area took part in Take Our Daughters and Sons to Work Day. I am going to submit all of their names for the

RECORD to show that they spent a day working the Senate with me and with some of the other Senators and have seen firsthand the work that goes on.

I want to acknowledge the MS Magazine Foundation that started Take our Daughters and Sons to Work Day to thank them for organizing this effort where there are thousands, maybe perhaps millions, of young people who have taken a day out of their school work to go to the various places where Americans are working to contribute to making this country of ours a better country and this world a better place.

I ask to have the names printed in the RECORD for these young men and women and thank them for being a part of this special day and taking their time to come and learn about the workings of the Senate.

The list follows.

From The Bryn Mawr School: Alexandra Argo, Baltimore, MD; from Ursuline Academy: Kelly Francis Antrum, New Orleans, LA; from Ursuline Academy: Jennifer Baker, New Orleans, LA; from Lake Castle School: Anna Campbell, Abita Springs, LA; from St. Angela Merici School: Margret Domingo, Metairie, LA; from St. James Episcopal School: Ashton Eymard, Baton Rouge, LA; from St. Margaret Mary: Cameron Gerhold, Slidell, LA; from Georgetown Day School: Cleo Gill, Washington, DC; from Georgetown Day School: Camilla Herrera, Washington, DC; from Grace Episcopal School: Mary Snellings Inabnett, Monroe, LA; from LSU Lab School: Jeremy Jetson, Baton Rouge, LA; from St. Peter's: Marlena Jones, Washington, DC; from St. Dominic School: Ashley Landrieu, New Orleans, LA; from St. Dominic School: Claire Landrieu, New Orleans, LA; from St. Dominic School: Katie Landrieu, New Orleans, LA; from Our Lady of Prompt Succor: Alyse Lemoine, Dryprong, LA; from St. Dominic School: Sarah Mayer, New Orleans, LA; from Academy of the Sacred Heart: Natalie Lindon, St. Martinville, LA; from T.S. Cooley Magnate School: Hanaiah Morris, Lake Charles, LA; from LSU Lab School: McKenzie Prudhomme, Baton Rouge, LA; from St. Dominic School: Alexandra Sensenbrenner, New Orleans, LA; from St. Ignatius School: Mary Francis Seiter, Mobile, AL; from Georgetown Day School: Mary Shannon Snellings, Washington DC; from Ursuline Academy: Gabrielle Terrebonne, Gretna, LA; from St. Margaret Catholic School: Brooke Walker, Lake Charles, LA.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2632. An act to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes.

H. R. 3022. An act to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

H. R. 3682. An act to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

H. R. 4926. An act to establish a grant program for automated external defibrillators in elementary and secondary schools.

H. R. 5524. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

H. R. 5569. An act to extend for 5 years the EB-5 regional center pilot program, and for other purposes.

H. R. 5593. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act.

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

### MEASURES REFERRED

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

H.R. 2632. An act to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3022. An act to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3682. An act to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4926. An act to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5593. An act to amend title 5, United States Code, to make technical amendments

to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; to the Committee on the Judiciary.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5524. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 10, 2008, she had presented to the President of the United States 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.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6540. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Changes in Handling Requirements" (Docket No. AMS-FV-07-0082) received on June 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6541. A communication from the President, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2007 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6542. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammal; Incidental Take During Species Activities (Chukchi Sea)" (RIN1018-AU41) received on June 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6543. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report entitled, "Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities" (LMSB-04-0508-030) received on June 4, 2008; to the Committee on Finance.

EC-6544. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending March

31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6545. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period from October 1, 2007 to March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6546. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the Western District of Virginia, received on June 3, 2008; to the Committee on the Judiciary.

EC-6547. A communication from the Federal Liaison Officer of the Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals" (RIN0651-AC12) received on June 4, 2008; to the Committee on the Judiciary.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-368. A letter from a member of the South Carolina House of Representatives relative to the economy; to the Committee on Finance.

POM-369. A resolution adopted by the House of Representatives of the State of Ohio urging Congress to enact the Community Cancer Care Preservation Act of 2007, and for other purposes; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 100

Whereas, the National Center for Health Statistics at the Centers for Disease Control and Prevention reports that cancer is the second leading cause of death in the United States, and its prevalence increases with age. Medicare beneficiaries account for half of all cancer patients, and more than 700,000 beneficiaries are newly diagnosed with some form of cancer every year; and

Whereas, community cancer clinics, free-standing outpatient facilities where cancer care is delivered in physician offices, play an important role in winning the war on cancer. According to the American Society of Clinical Oncology, these clinics treat over 80% of Americans with cancer, providing patients with early diagnosis, effective cancer therapies, and innovative supportive care that reduce fatigue, nausea and vomiting, and pain; and

Whereas, while the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Pub. L. No. 108-173) enacted Medicare Part D, a welcomed drug benefit for America's seniors, it created a severe reduction in Medicare's reimbursement for oncology treatment. According to a July 2007 press release issued by Senator Arlen Specter (R-PA), one of the sponsors of the Senate version of the Community Cancer Care Preservation Act of 2007 (S. 1750 of the 110th Congress), the Centers for Medicare and Medicaid Services (CMS) has reduced Medicare payments to community cancer care clinics by approximately three to four hundred million dollars since 2005. A 2007 analysis by the accounting firm, PricewaterhouseCoopers, predicts reimbursement reductions of \$13.8 billion over ten years; and

Whereas, the Ohio West Virginia Hematology Oncology Society asserts that the reduction in Medicare reimbursements for community cancer care clinics has resulted

in nearly all cancer treatments being reimbursed below cost, crippling the nation's cancer care delivery system and resulting in a serious access-to-care crisis. Nearly 40% of states have reported a serious impact since January 1, 2006, when the full impact of the reductions became effective, and an attempt to save costs is actually leading to higher costs as care shifts to more expensive inpatient settings because clinics have to reduce staff and close offices; and

Whereas, the Community Cancer Care Preservation Act of 2007 (H.R. 1190 and S. 1750 of the 110th Congress) provides critical assistance to community oncologists that are disadvantaged by CMS reforms brought forth by the Medicare Prescription Drug Improvement and Modernization Act. These bills require CMS to reimburse oncologists for the actual price of drugs (rather than for the discounted price between the pharmaceutical manufacturer and the wholesaler), increase reimbursement for chemotherapy administration and storage and care of oncology drugs, and institute reimbursement for medical oncologists who provide treatment planning; now therefore be it

*Resolved*, That we, the members of the 127th General Assembly of the State of Ohio, memorialize Congress to enact the Community Cancer Care Preservation Act of 2007 to reform the Medicare reimbursement methodology for cancer drugs and their administration; and be it further

*Resolved*, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005 (Rept. No. 110-348).

## 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 Mr. VITTER:

S. 3104. A bill to require that all individuals convicted of a felony under State law provide a DNA sample; to the Committee on the Judiciary.

By Mr. VITTER:

S. 3105. A bill to authorize funding for the Advancing Justice through DNA Technology initiative; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 3106. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 3107. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave

labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mrs. DOLE, and Mr. KOHL):

S. 3108. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself, Mr. CARDIN, and Mr. LAUTENBERG):

S. 3109. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 3110. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 589. A resolution designating the week beginning June 9, 2008, as "National Health Information Technology Week"; considered and agreed to.

By Mr. INHOFE (for himself, Mr. AKAKA, Mrs. HUTCHISON, and Mr. HATCH):

S. Res. 590. A resolution celebrating the 233rd birthday of the Army and commending the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; considered and agreed to.

By Mr. CORNYN (for himself and Mr. BUNNING):

S. Con. Res. 88. A concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 302

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 302, a bill to establish a procedure to safeguard the Social Security Trust Funds.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 682

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 879

At the request of Mr. KOHL, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 991

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1462

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1462, a bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs.

S. 1715

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1715, a bill to amend title

XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1980

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1980, a bill to improve the quality of, and access to, long-term care.

S. 2059

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2479

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and

validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2579

At the request of Mr. INOUE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2708

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2821

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2888

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2888, a bill to protect the property

and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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. 2931

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2983

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2983, a bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities.

S. 3008

At the request of Mr. BOND, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from Virginia (Mr. WEBB), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. SALAZAR), the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Ms. STABENOW), the Senator from Oregon (Mr. WYDEN), the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Wisconsin (Mr. KOHL), the Senator from North Dakota (Mr. DORGAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the

Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3098

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 3098, *supra*.

S. 3099

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3099, a bill to prohibit the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors 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 Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 3106. A bill to amend chapter 13 of title 17, United States Code (relating to

the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am happy to join with Senators CORNYN, KOHL, and WHITEHOUSE as we introduce the Vessel Hull Design Protection Act Amendments of 2008. An earlier version of this small but important piece of legislation was passed unanimously by both the Judiciary Committee and the full Senate last year. The updated version of the bill that we offer today reflects conversations we have had recently with the Navy and gives the Department of Defense full assurance that Government and defense designs will not be subject to unwarranted restrictions.

Congress passed the Vessel Hull Design Protection Act in 1998 to recognize the significant time, effort, and innovation involved in ship design. Litigation under the bill, however, has made it clear that in order to be effective, this law needs to be clarified and refined. Our bill does exactly this, and no more, by clarifying the definition of "hull" and "deck." This ensures that the intellectual property rights of vessel hull designers will be protected. I hope the Senate will move quickly to pass this revised, bipartisan legislation.

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. 3106

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

#### SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Vessel Hull Design Protection Amendments of 2008".

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4)."

(c) EXCEPTIONS.—Section 1301(a) of title 17, United States Code, is amended by adding at the end the following:

"(3) EXCEPTIONS.—Department of Defense rights in a registered design under this chapter, including the right to build to such registered design, shall be determined solely by operation of section 2320 of title 10, the United States Code, or by the instrument under which the design was developed for the United States Government."

(d) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.";

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 3107. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator HATCH to introduce legislation to acknowledge the heroic contributions of American ex-prisoners of war who were forced into slave labor by the Imperial Government of Japan during the Second World War. The bill would award a one-time compensation of \$20,000 to each surviving veteran, government employee, or government contractor who was imprisoned by the Japanese during World War II and forced to perform slave labor to support Japan's war effort. The bill would also extend that compensation to surviving spouses of such veterans or employees. While this compensation is only a small token of our Nation's gratitude, it is my hope that it serves as recognition of the vital military contributions and sacrifices made by these individuals, particularly as those Americans who sacrificed so much approach their final years.

From December 1941 to April 1942, American military forces stationed in the Philippines fought valiantly for almost 6 months against overwhelming Japanese military forces on the Bataan peninsula. As a result of that prolonged conflict, U.S. forces prevented Japan from achieving its strategic objective of capturing Australia and thereby dooming Allied hopes in the Pacific theater from the outset of the war.

Once captured by the Japanese, American prisoners of war in the Philippines endured the infamous "Death March" during which approximately 730 Americans died en route to the notorious Japanese prison camp north of Manila. Of the survivors of the March, more than 5,000 more Americans perished during the first 6 months of captivity. The Japanese forced many of those who survived captivity to embark on "hell ships"—unmarked merchant ships—to be transported to Japan to work as slave laborers in company-owned mines, shipyards, and factories. Tragically, many of our own men perished in those unmarked vessels, victims of attacks by American military aircraft and submarines who were unaware that American POWs were aboard those ships. The stories of other American military and civilian employees captured by the Japanese at Wake Island, Java, Manchuria, Taiwan, and other locations in the Pacific and

enslaved to support the war effort are equally compelling.

The heroic performance of our soldiers at Bataan and during incarceration in POW camps earned them well-deserved citations following the war. For example, the 200th and 515th Coastal Artillery units from New Mexico that served to defend the retreating troops at Bataan received three Presidential Unit Citations and the Philippine Presidential Unit Citation for their heroism. New Mexico is particularly proud of these men whose heroism I seek to salute through this legislation today.

Sadly, the Americans who were enslaved by Japan have never been adequately compensated for the excruciating sacrifices they made while in Japanese military and company prisons and labor camps. In the War Claims Acts of 1948 and 1952, our Government paid former U.S. prisoners of war \$1.00 per day for "missed meals" during their captivity, and later, \$1.50 per day for "forced labor, pain, and suffering." Even those paltry compensations were not widely known about or received by all veterans who qualified for them. In addition, efforts to obtain appropriate compensation from the Government of Japan, or from Japanese companies through litigation, have been unsuccessful and are not likely to succeed in a timely enough manner to compensate surviving veterans or others who would be eligible.

Other Allied nations have already set international precedent to honor their enslaved veterans. Allied governments, including Canada, New Zealand, Australia, Norway, the Netherlands, and the United Kingdom have authorized compensation gratuities. For example, in 1998, the Canadian Government authorized the payment of \$15,600, Canadian dollars, to veterans who were captured in Hong Kong and enslaved by the Japanese. And in 2000, Prime Minister Tony Blair announced a multi-million pound compensation fund for former enslaved Japanese prisoners of war in recognition of their heroic experiences. It is long overdue for our own Nation to provide similar compensation to those who gave so much to defend and preserve our freedom.

Approximately 10 years have passed since I began advocating for passage of this type of compensation, and in that time, many of these brave heroes who deserve recognition have already passed away. Fortunately, Congress still has time to honor those individuals who are alive today to share their courageous and heartrending stories. For this reason, I believe the Congress should avoid any further delay and act as soon as possible to enact this important legislation. I thank Senator HATCH for agreeing to cosponsor this legislation, and I urge my fellow Senators to support it.

By Mr. KERRY (for himself, Mrs. DOLE, and Mr. KOHL):

S. 3108. A bill to require the President to call a White House Conference

on Food and Nutrition; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. DOLE. Mr. President, in 2003, I made my maiden floor speech on hunger issues and how we as a Nation can tackle them. I have continued my strongest efforts to raise awareness that 1 in 10 U.S. households is affected by hunger and to advance legislation and programs that aid the hungry.

Today is Hunger Awareness Day, and as I have in years past, I welcome the opportunity to speak about the food insecurity problems that persist throughout this country and the world. Most importantly, I come to offer ideas and invigorate the discussion about solutions.

With food and energy prices on the rise, we must be particularly cognizant of the hungry. Not only do hard economic times generate a greater need for food assistance, but the very agencies and organizations that provide assistance are trying to meet growing demands while food and gas grow more expensive.

In the past few months, I have read numerous stories in North Carolina newspapers about soup kitchens and food banks struggling to serve all those in need and even schools strapped for cash to pay for their lunch programs.

For example, last weekend, the Asheville Citizen-Times ran a letter to the editor from MANNA FoodBank which said:

In 2006, we estimated that 115,500 different North Carolinians sought emergency food aid from MANNA partner agencies in a single year—one in six of our neighbors. However, that data has rapidly become outdated by shifting economic tides. Surging energy and food prices combined with stagnant economic growth have dramatically increased the ranks of those seeking help from food banks.

In the May 29, 2008 Raleigh News & Observer, David Reese, the chief operating officer for food recovery and distribution at the Inter-Faith Food Shuttle, is quoted as saying:

A lot of people don't realize or don't take into account the dramatic effect that high fuel prices have, that trickle-down effect. . . . It doesn't only affect the regular consumer who is driving to the store. It also affects the distributor, also affects the retailer and then the end result, it affects us as a food-rescue organization.

Unfortunately, we know too well high food prices and hunger problems are not unique to North Carolina or even just to the United States. Indeed, as food prices continue to soar, the impacts are felt around the globe, especially among the poor in developing nations. The increase in food costs has led to international shortfalls of food supplies, resulting in food riots and civil unrest in many regions. In fact, the World Bank recently estimated that more than 100 million people are being pushed into poverty as a result of the escalation of food prices.

Congress needs to take action to ensure that policies are helping, not hurting, global food supply. For example, I

believe we must reconsider mandating the use of certain biofuels which is, in part, why food prices are escalating. Last month, I joined several of my colleagues in introducing legislation to freeze the corn-based ethanol mandate at this year's level, preventing the Environmental Protection Agency from increasing the corn-based ethanol mandate included in the Energy Act of 2007 to the mandated 15 billion gallons. Instead, my legislation maintains the current level at 9 billion gallons.

During consideration of the 2007 Energy bill, I tried to include a safeguard in the renewable fuel standard which would have helped prevent a situation such as we face today. Mandates have led to more than 25 percent of America's corn crop being diverted to make fuel. In the last 2 years, the price of corn has nearly tripled, thereby resulting in feed price increases that impact the cost of items such as milk, eggs, and meat. According to the Bureau of Labor Statistics, food inflation rose by 4.9 percent last year, and studies suggest the cost of food will continue to escalate over the next few years.

While we continue to push for efforts to address rising food prices, we can celebrate some hard-fought victories in the recently passed farm bill that will support healthy foods in schools and health food banks, community kitchens, and other organizations that feed the hungry. For instance, I am pleased the farm bill's nutrition title expands the Fresh Fruit and Vegetable Program to all 50 States. In North Carolina, nearly 1.4 million children are enrolled in this program, which helps schools purchase locally farmed fruits and vegetables to provide healthy meals and fight childhood obesity. The bill also includes \$1.25 billion for commodity purchases for food banks, including \$50 million for 2008 to immediately address shortages at these organizations.

The farm bill also implements the Food Employment Empowerment and Development Program, the FEED Program, which I worked on with my colleagues Senators FRANK LAUTENBERG and BLANCHE LINCOLN. This program helps fight hunger by combining food rescue with job training and, thus, teaching unemployed and homeless adults the skills needed to work in the food service industry. It is a wonderful program.

Around the corner from the U.S. Capitol, students are hard at work in the DC Central Kitchen's culinary job-training class. Earlier today, I visited the kitchen which has a model FEED-type program that began in 1990. It is always a privilege to visit the kitchen and meet with individuals who faced adversity but who are now on track for a career in the food service industry. I look forward to the FEED Act supporting numerous similar programs, such as the Community Culinary School in Charlotte, NC, and others around the Nation.



In my ongoing efforts to stamp out hunger, today I am joining my colleague, Senator JOHN KERRY, to introduce legislation requiring a White House Conference on Food, Nutrition, and Health to be held by the end of 2010. It has been nearly 40 years since the first and only White House summit reviewed national nutrition policy. I actually helped organize that conference while working for the White House Office of Consumer Affairs.

Positive developments and effective policies came out of those discussions. With more than 35 million Americans today facing food insecurity issues, it is high time we make ending hunger and improving health and nutrition national priorities. I encourage my colleagues to sign on to my bill.

This week, I also plan to offer an amendment to the tax extenders bill that addresses four tax issues which will encourage food donations and volunteering to help the hungry. This package was included in the Senate-passed farm bill but, unfortunately, was removed in conference. It will extend for 2 years a provision from the Pension Protection Act that allows any taxpayer to claim an enhanced deduction for donations of food. It allows restaurants to qualify for this deduction. It simplifies the rules that allow farmers and ranchers to take advantage of this deduction for donating their products. And it allows volunteers to receive a tax deduction for mileage incurred while transporting food donations.

Along these lines, I also have a bill that will provide a tax credit for the cost of transporting food to assist the hunger relief efforts of charitable organizations. The hunger relief trucking tax credit will benefit groups such as the Society of St. Andrew, which helps recover food for the needy. The society is very active in the area of gleaning. Mr. President, where excess crops that would otherwise be thrown out are taken from farms, packinghouses, and warehouses, and distributed to the needy. Each year in this country, 696 billion pounds of good, nutritious food is left over or thrown away. Gleaning helps eliminate this waste. It helps the farmer because he doesn't have to haul off or plow under crops that don't meet exact specifications of grocery chains, and it helps the hungry by giving them nutritious fresh foods. It has been a joy to glean fields in North Carolina with the society's dedicated volunteers.

In addition to working closely with the Society of St. Andrew, I have been fortunate to meet with a number of organizations that are doing tremendous work to combat hunger in North Carolina—from our food banks to Meals on Wheels and others. These organizations rely on dedicated staff and volunteers who truly live by the ideal of helping others in their time of need.

Before I close, let me share an experience I had as president of the American Red Cross. I visited Somalia during the heart-wrenching famine. In Baidoa, I

came across a little boy lying under a gunnysack, and I thought he was dead. His brother pulled back that gunnysack and sat his little brother up, and I could see that he was severely malnourished. There was no way that he could eat the rice and beans that were in a bowl there beside him, and so I asked for camel's milk to feed him. And as I put my arm around that little boy to lift that cup to his mouth, it was incredible, the feeling of the little bones almost piercing through his flesh. It is something I will never forget. That is when the horror of starvation becomes real, when you can touch it.

Since I encountered that little boy in Somalia so many years ago, I have been determined to do everything in my power to fight hunger, not just at home but also internationally. For example, I have been proud to work with Senator DICK DURBIN in promoting the McGovern-Dole International Food for Education and Child Nutrition Program. It has reduced hunger among school-aged children and improved literacy and primary education enrollment in areas where conflict, hunger, poverty, and HIV/AIDS are prevalent.

While tackling hunger beyond our borders is a greater challenge, in the United States, the land of plenty, no American—no American—should wake up wondering whether he or she will have enough to eat today. I firmly believe with dedicated organizations, caring citizens, and a focused government working together, ending hunger in America is certainly a victory within reach.

By Mr. THUNE (for himself, Mr. CARDIN, and Mr. LAUTENBERG):

S. 3109. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. THUNE. Mr. President, I rise today to introduce a bipartisan bill that seeks to update the way in which the Federal Government tracks the shipment of hazardous waste. I am pleased that Senators CARDIN and LAUTENBERG have joined me in introducing this bill, which builds upon the bipartisan legislation I introduced last Congress with Senator Jeffords and Senator INHOFE when I served as chairman of the Environment and Public Works Subcommittee on Superfund and Waste Management.

Simply put, our legislation would direct the Environmental Protection Agency to begin a much needed transformation of the tracking of hazardous wastes. While the Resource Conservation and Recovery Act, RCRA, that Congress passed in 1976 has done a great deal to protect human health and the environment, the paper manifest process that is used to track federally-regulated hazardous wastes from "cradle to grave" has turned into the single

largest continuous paperwork burden imposed on regulated entities under Federal environmental law.

On an annual basis, roughly 139,000 regulated entities track anywhere between 2.5-5 million hazardous waste manifests. This paperwork burden has been estimated to cost states and the regulated community between \$200 million and \$500 million annually. This is largely due to the fact that each paper manifest is comprised of numerous carbon copies that must be signed, mailed to waste generators and State agencies—and then ultimately stored by each regulated entity. To underscore just how cumbersome this paper manifest is, the Environmental Protection Agency has noted that roughly 22 States don't even keep copies because it represents too large of a paperwork burden.

The benefits of using electronic manifests are numerous and each of the witnesses who testified at the EPW Subcommittee hearing that I chaired on September 26, 2006 spoke to the benefits it would have—both in terms of improving federal oversight of hazardous waste transport and lessening the paperwork burden on regulated entities.

I would like to stress that this legislation builds upon the measure I introduced last Congress and incorporates a handful of changes made at the request of various stakeholders, including Senator BOXER who now chairs the EPW Committee.

Because of the broad support that this measure enjoys, I look forward to the long awaited mark-up of this bill before the EPW Committee. I would like to thank both Senator CARDIN and Senator LAUTENBERG for their support as we work to improve the arcane system currently utilized to track hazardous waste shipments. Transitioning to an electronic system is long overdue and this legislation would be paid for by the users of the system—the generators and waste companies that handle hazardous waste.

In closing I would like to highlight just one of the statements of support I received for the legislation that I began working on over 2 years ago. The following statement of support came from Terrence Gray, President of the Association of State and Territorial Solid Waste Management Officials, who noted:

It is appropriate, many would say overdue, in the 21st Century economy to have the capability of using electronic reporting for such a tracking system, and we are supportive of your efforts to initiate this process. It is our understanding that [this bill] is the necessary first step in designating the detailed system for electronic manifesting, and for that reason we think it should go forward.

I trust that my colleagues will recognize the benefits of setting up an electronic manifest system as is envisioned under the Thune-Cardin bill we have introduced today.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr.

THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The Federal waste law requires the tracking of hazardous waste from "cradle to grave." This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modern world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has 7 or 8 copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over \$100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will "bid" to set up the system at their cost and risk. They will be paid back on a per manifest basis by the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, Jeffords, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

This is legislation that is overdue. I ask Members to join us in supporting this legislation which has garnered the backing of industry, States, and environmental groups. It is time for the waste manifest system to move into the 21st Century.

By Mrs. FEINSTEIN:

S. 3110. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Ruben Mkoian, his wife, Asmik Karapetian and their son, Arthur Mkoyan. The Mkoian family are Armenian nationals who have been living and working in Fresno, California for over a decade.

The story of the Mkoian family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Let me first start with how the Mkoian family arrived in the United States. While in Armenia, Mr. Mkoian worked as a police sergeant at in a division dealing with vehicle licensing. As a result of his position, he was offered a bribe to register 20 stolen vehicles.

He refused the bribe and reported the incident to the police chief. He later learned that his co-worker had registered the vehicles at the request of the chief.

After he reported the offense, Mr. Mkoian's supervisor informed him that the department was to undergo an inspection. Mr. Mkoian was instructed to take a vacation during this time period. Mr. Mkoian believed that the inspection was a result of the complaint that he had filed with the higher authorities.

During the inspection, however, Mr. Mkoian worked at a store that he owned rather than taking a vacation. During that time, individuals kept entering his store and attempted to damage it and break merchandise. When he threatened to call the police, he received threatening phone calls telling him to "shut up" or else he would "regret it." Mr. Mkoian believed that these threats were related to the illegal vehicle registrations occurring in his department because he had nothing else to be silent about.

Later that same month, three men grabbed his wife and attempted to kidnap his child, Arthur, on the street. Mrs. Mkoian was told that her husband should "shut up." No one suffered any injuries from the incident. In October 1991, a bottle of gasoline was thrown into the Mkoian's residence and their house was burned down. The final incident occurred on April 1, 1992, when four or five men assaulted Mr. Mkoian in his store. He was beaten and hospitalized for 22 days.

Following that experience, Mr. Mkoian left Armenia for Russia, and then came to the United States on a

visitor's visa in search of a better life. Two years later he brought his wife Asmik and his then 3-year old son Arthur to the United States, also on visitor's visas. The family applied for political asylum, but the 9th Circuit Court of Appeals denied their request in January 2008. Thus, the family has no further legal recourse by which to remain in the country other than this bill.

Since arriving in the United States, the family has thrived. Arthur is now 17 years old and the family has expanded to include Arsen, who is a U.S. citizen.

Both Arthur and Arsen are very special children. What is noteworthy about Arthur, is that out of the 562 students graduating from Bullard High School he is one of three valedictorians for the Class of 2008. Today is his graduation day. He has long dreamed of attending the University of California, Davis. He was accepted this past Spring and plans to complete a degree in chemistry. In addition to maintaining a 4.0 grade point average and taking a rigorous academic course load, Arthur also finds the time to volunteer at the St. Agnes Medical Center emergency room.

Arsen is following in his older brother's footsteps. At age 12, he stands out among his peers at Kratt Elementary School and has been invited to apply to the magnet Computech Middle School next year.

In addition to raising two outstanding children, Mr. and Mrs. Mkoian have maintained steady jobs and have devoted time and energy to the community and their church. Mr. Mkoian has been employed for years at G.A.C. Trucking in Glendale, California. According to his supervisor, he is one of their best employees, having earned a reputation for trustworthiness and skill.

His wife, Asmik, has also been working part-time for 4 years at Gottshalks department store. In addition, she has taken classes at Fresno Community College and has completed their Medical Assistant Program.

The family are active members of the St. Paul Armenian Church, and Mr. Mkoian is a member of the PTA of the St. Paul Armenian Saturday School.

There has been an outpouring of support for this family from their church, the schools their children attend, and the community at large.

To date, we have received over 200 letters of support for the family in addition to numerous telephone calls. I also note that I have letters from both Congressman GEORGE RADANOVICH and JIM COSTA, requesting that I offer this bill for the Mkoian family.

I truly believe that this case warrants our compassion and our extraordinary consideration.

I ask my colleagues to support this private bill.

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

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

S. 3110

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOIAN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed, with appropriate fees, not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoian under section 202(e) of such Act.

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 5, 2008.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It was a pleasure speaking with you today regarding the pending June 20 deportation of Arthur Mkoian and his family. I appreciate you taking the time to discuss this issue with me.

From the limited details I have been provided, it appears there is no feasible judicial remedy that would allow Mr. Mkoian to remain in the United States. Therefore, from what my office has determined, the only immediate solution requires Senate introduced private immigration legislation. As you know, doing so can result in a stay of deportation for the subject of the legislation.

Based on the information my office is currently privy to, Mr. Mkoian's case appears to be one that would merit introduction of this type of legislation. Although this is very unlikely to be effective in the House, previous legislation of this nature has been successful in the Senate.

I am aware that you have been willing in the past to sponsor bills for this purpose. To that end, I stand ready to lend my support if after a thorough review of Mr. Mkoian's previous case history, you find such legislation appropriate.

I will continue to review the situation as it progresses and look forward to working with you in our efforts to help Mr. Mkoian and his family. Thank you for your prompt attention to this matter.

Sincerely,

GEORGE RADANOVICH,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 6, 2008.

Hon. DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: As you are well aware, Mr. Arthur Mkoian and his family are facing pending deportation back to Armenia. From the limited details I have been provided, it appears that there is no existing judicial remedy which would allow Mr. Mkoian to remain in the United States. Unless any further steps are taken, Mr. Mkoian and his mother will be deported to Armenia.

Please know as this issue moves forward I am ready to support you where I can, and work with you to assist Mr. Mkoian and his family.

Thank you for your attention to this important matter.

Sincerely,

JIM COSTA,  
Member of Congress.

G.A.C. TRUCKING,  
Glendale, CA, June 2, 2008.

I, Ashot Gharibyan, the owner of GAC Trucking do hereby certify that Ruben Mkoian was one of my best employees. After his leave my business slowed down because I could not find any other driver as trustworthy and knowledgeable in his work as Ruben Mkoian. He knows his job and has never given me any problems. I still need him to improve my business without him it will be impossible to put my business back to normal.

Your attention to this matter is greatly appreciated.

ASHOT GHARIBYAN,  
President.

DEAR SENATOR FEINSTEIN: On behalf of my son Arthur Mkoian, 2008 Valedictorian of Fresno's magnet Bullard High School, I write to explain why our family should be allowed to stay in the United States. Time is of the essence as our deportation is imminent, and Arthur has been accepted to begin UC Davis this fall.

My husband Ruben Mkoian came to the United States in 1992 and applied for political asylum. After two years I came with Arthur, and we became part of Ruben's case. After seven years Ruben was granted an interview with an immigration officer, but was denied. As the law allows, we appealed our case in an immigration court. Our case was denied again, but believing in our situation, we appealed to the Ninth Circuit. Unfortunately, this effort failed last March.

We entered this country legally, and worked hard from the first day. None of us have any criminal record. We respect the laws, pay taxes, and admire America deeply. It is in this context of civic respect that our sons were raised, and in which we appeal to you for support. Each of the four of us is valuable to the United States. In addition to his academic achievements, my son Arthur serves as an emergency room volunteer at Saint Agnes Medical Center in Fresno. My younger son Arsen, who was born in America, is a standout performer at Kratt Elementary School, earning an invitation to apply to the magnet Computech Middle School. I am proud to have put myself through Fresno City Community College, completing the Medical Assisting program. And my husband Ruben was so valuable at

his place of employment that the owner, suffering a revenue loss due to Ruben's detention, writes in the attached letter that Ruben's return is economically necessary.

I implore you to introduce into the United States Senate a Private Bill that would halt our deportation. Our Immigration and Customs Enforcement case number is A70-783-979. As a mother, wife, and woman, I beg you to enable our sons to fulfill their gift of intellect in the California they love, and to enable our family to meaningfully contribute to the America to which we so sincerely yearn to belong.

Yours most truly,

ASMIK KARAPETIAN,  
Mother.  
ARTHUR MKOIAN,  
age 17.  
ARSEN MKOIAN,  
age 12.

BULLARD HIGH SCHOOL,  
Fresno, CA, May 27, 2008.

SENATOR DIANNE FEINSTEIN,  
Tulare,  
Fresno, CA.

DEAR SENATOR FEINSTEIN: Artur Mkoian has asked me to write a letter of reference, related to a problem with his and his family's immigration status.

Artur has been my student at Bullard High School for two years, last year in Honors Chemistry and this year in Advanced Placement Chemistry. He is a fine student, achieving A and B grades in my classes and maintaining a 3.50 GPA overall, including five Advanced Placement classes. I have found him to be a consistent and reliable student, willingly attending the weekly evening lab sessions and conscientious about getting all of his work done. I have complete confidence in his integrity.

I think he found it difficult to ask me for this letter, because he and his family seem very proud and self-sufficient. I know he will be successful at college next year and will be an asset to the community when he finishes his education. If I can supply any further information, please do not hesitate to contact me. I am including both my school and home contact information, as the school year is drawing to a close.

Sincerely,

CHRISTINE LINDLEY,  
Science Department.

BULLARD HIGH SCHOOL,  
Fresno, CA, May 29, 2008.

Senator DIANNE FEINSTEIN,  
Tulare St.,  
Tulare, CA.

DEAR SENATOR FEINSTEIN: I am writing this letter for Artur Mkoian—who has been my student for two years. He is a bright young man with potential for an incredible future.

Artur was in my sophomore GATE English class, performing well and contributing the learning environment. As an Advanced Placement student, he continued to work hard and excel. It was always interesting to read his writing and to watch his literary performances. He continues to visit me during this—his senior year. I know that he has high hopes for a college education—the American Dream—in the United States.

I know that Artie was an immigrant—however, I did not know of his family's troubles until recently. Apparently, they have lived and worked in the San Joaquin valley for fourteen years. He told me that their citizenship application was denied, and that the entire family may be deported.

I was asked to write this letter to see if you could intervene. I have the utmost respect for you as a politician, as I have been an avid Democrat and a liberal and liberated woman for many years. I hope that you can help this family in their time of need. Thank you for your time and for your consideration.

Most sincerely,  
MYRL W. JOHNSON,  
*English.*

ARMENIAN-AMERICAN  
CITIZENS' LEAGUE,  
*Fresno, CA, June 6, 2008.*

Senator DIANNE FEINSTEIN,  
*One Post Street,  
San Francisco, CA.*

DEAR SENATOR FEINSTEIN, Last evening, 5 June, the Fresno Chapter of the Armenian-American Citizens' League held its monthly meeting. During the course of business, the Arthur Mkoyan situation was brought up.

By unanimous decision, the members wished to contact you and to request your attention to this situation.

However, when I returned home and turned on the late news, the report was that you have already intervened in this situation.

I am certain that our members who have also heard this news by now are very grateful and relieved.

The purpose of this letter now is changing from request to intervene to appreciative thanks for your action.

Our League was established in the 1930's to help immigrant Armenians. Even though our goal is still that and we have come a long way, we still remain vigilant.

Thank you for your action. We will be eagerly awaiting the final disposition—hopefully, a positive one.

Please contact us if there is anything else that we can do to help the cause.

Verily,  
MS. PENNY MIRIGIAN,  
*Secretary.*

HOLY TRINITY ARMENIAN  
APOSTOLIC CHURCH,  
*Fresno, CA, June 5, 2008.*

Senator DIANNE FEINSTEIN,  
*Hart Building,  
Washington, DC.*

DEAR SENATOR FEINSTEIN: I am writing on behalf of Mr. Arthur Mkoyan. As you know Mr. Mkoyan and his family have a deportation judgment which is due end of June 2008. Arthur Mkoyan was two years old when his family came to this great country seeking freedom and justice and they have worked hard to achieve the American Dream.

Arthur will be graduating on Tuesday June 10 from Bullard High as a Valedictorian. He is hard working, honest and we should be proud of him because he is a great asset to our country. Arthur has already been accepted to begin his College education at UC Davis next Fall with Chemistry as his major.

Dear Senator Feinstein I urge you to intervene and introduce the Private Bill this week so that our country doesn't lose a brilliant future scientist.

Thank you for your consideration may God bless you for your services to our Nation. GOD BLESS AMERICA.

Prayerfully,  
FR. VAHAN GOSDANIAN,  
*Pastor.*

ST. PAUL ARMENIAN CHURCH,  
*Fresno, CA, May 29, 2008.*

TO WHOM IT MAY CONCERN: I am writing in support of Ruben Gabriel Mkoyan. Mr. Mkoyan was born in Yerevan, Armenia on December 14, 1961 and resettled in Fresno, CA in 1992 with his family: his wife Asmik (nee Karapetian), and children Arthur (b. Oc-

tober 17, 1990 in Yerevan, Armenia) and Arsen (B. March 13, 1996 in Fresno, CA). The Mkoyan Family is very active in the Armenian community of Fresno, and valuable members of the St. Paul parish. They are much loved and respected by everyone in the community.

Mr. Mkoyan has worked very hard to provide for his family and is a model citizen with his work ethic and active participation in the life of the community. He has served on the PTA of St. Paul Armenian Saturday School and has contributed his time and means in the service of others.

I am saddened to hear that after all these years his status in the United States is in jeopardy. As his pastor and as a person who knows the family I stand in support of Mr. Ruben Mkoyan and his family to establish legal permanent residency in the United States.

Sincerely,  
(The Rev. Fr.) ARSHEN AIVAZIAN.

FRESNO UNIFIED SCHOOL DISTRICT,  
*Fresno, CA, May 5, 2008.*

DIANNE FEINSTEIN,  
*U.S. Senator,  
One Post Street, San Francisco, CA.*

DEAR SENATOR FEINSTEIN, This letter is written on behalf of Arsen Mkoian, a gifted sixth grade student at Kratt elementary School in Fresno, California. Arsen and his family are scheduled to be deported in approximately three weeks from the United States unless a private bill is introduced in the Senate to stop deportation. The Immigration and Customs Enforcement case number is I A70-7S3-979. Arsen is a model student and citizen.

Arsen has consistently been a role model for student behavior since he began attending Kratt in kindergarten. Attendance and parent support have been excellent. Arsen maintains a 3.8 grade point average in his sixth grade class this year, a 4.0 in kindergarten, first, second, third and fifth grades, and a 3.8 in fourth grade. In addition, he will receive Kratt's highest honor, the "President's Education Award" which is signed by President Bush and accompanied with a commendation letter from President Bush. This rare Kratt honor is based on stringent academic and behavior standards students must meet for three continuous years in fourth, fifth and sixth grades.

Socially, Arsen is well liked and respected. He receives our monthly "Bulldog Award" every year which recognizes him as a model citizen in his classroom. In fact, Arsen was chosen to support a fellow student in need by teaming up with him as a "buddy" this year in his sixth grade classroom.

Kratt's top leaders are chosen to participate in our Traffic Patrol Club. Arsen is not only a member but was also elected as captain of the Traffic Club this year, a tribute to his strong character. Arsen's name also shows up on the Math Club list almost every semester, an honor difficult to achieve. He has been invited to apply to the magnet Computech Middle School in Fresno because he is a standout student.

Arsen and his family have set high standards and worked hard in our educational setting to achieve them. Senator Feinstein, please recognize Arsen's outstanding effort and achievement by your timely intervention of introducing the Private Bill this week so we can keep an intellectually gifted young person and his family in our state. We appreciate your considering this important matter.

Sincerely,  
TERRI BRICKER,  
*Kratt Elementary  
School Principal.*  
RANDY BROWN,

Kratt Elementary  
School Sixth Grade  
Teacher.

I was acquainted with Asmik Karapetian in 1995. I met her at the Armenian Saint Paul church, where we were teaching children Armenian. We instantly became good friends mainly because we both had similar purposes in life for our children to raise well educated and responsible citizens for this country.

Later I met her husband Ruben Mkoian, also a very noble man. I remember when my husband and I visited them the first time to entertain us Ruben played guitar while singing along beautifully.

I will not forget how one day Asmik called me and gave me the good news of their second son's arrival. She was thrilled and so were we. I know their boys, Arthur and Arsen, both very humble and nice boys. We admired Arthur's achievements in school. He is graduating this year with an excellent GPA.

Recently Asmik called me in tears telling me her family received a letter that they were to be deported. My family and I were in utter shock. Why? Asmik and Ruben are two very hard-working people with two wonderful children whose future is very promising. It's tragic that after residing here for more than ten years this would happen now.

I am humbly asking you to look the circumstances over and allow Asmik and her family to live in this country. I have faith that you will help this family to reach their American dreams.

Sincerely,  
ANAHIT BAGDASARIAN.

DEAR DIANE FEINSTEIN, The family of Ruben Mkoian is very dear to me. I have known them for over 10 years and I'd like for you to get to know them a little as well. Their entire family, including each and every member, is very kind and treats all with respect and always keeps their dignity. I am proud to have had a chance to get to know them and I have come to be very fond of how this family coped with what has been thrown to them. My son, who grew up and attended school with their eldest, Arthur, always stated how he admired his qualities and good behavior. Arthur, a very intelligent young boy, had plans preceding his acceptance, to attend the University of California, Davis, his dream school. He worked very hard since grade school and his acceptance alone is proof enough that Arthur meets any standards imposed upon him. Arthur and I would like to say every individual of their family is outgoing, loving, kind, hard-working, and fit amongst the most intelligent. They do not get into the bad habits that most amongst us keep hidden. We need people like the Mkoians in our society. They keep peace and quiet and yet have firmly established themselves into our working field, schools, and have the most positive influence over our friends and family. It would be a shame to lose such people if they were leaving on their own, and nonetheless were kicking them out. I wish you could know them the way I have. They have truly grown into the most admirable U.S. inhabitants.

Thank you for your time and consideration. We hope with all our hearts that you make the right decision.

KARIN ANTIKYAN.

DEAR U.S. SENATOR DIANNE FEINSTEIN, Our family is a great family friend of the Mkoian Family. We have known them since 1993. They are a very friendly family. Our children grew up with their children. Their children are amazing in school by the grades they get Ruben and Hasmik are excellent parents.

They have been next to us on our good and bad days. We think that they deserve to stay in the United States of America for their children and the future of their lives. We can't imagine how hard it will be not seeing, them, not only for us but everyone else. In the future we will need this wonderful family for a better community. Please keep all this in mind because they are a great family and we wouldn't like to see them out of our sight. We hope that you will do everything so that they will not be deported and they will stay in the United States of America. Thank you for your time.

Sincerely,

ANI IDZHANYAN.  
MARGARIT DUMANYAN.  
RIMMA MARKARYAN.  
OGANES IDZHANYAN.  
ARSHALUYS IDZHANYAN.  
AKOP IDZHANYAN.  
GEVORK IDZHANYAN.  
HARUT IDJIAN.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 589—DESIGNATING THE WEEK BEGINNING JUNE 9, 2008, AS "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK"

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 60 stakeholder organizations for more than 47 years to transform healthcare with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States resources relating to healthcare each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and the Secretary of Health and Human Services have made a commitment to leverage the benefits of the healthcare information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas, since 2006, organizations across the United States have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of the improved quality and cost efficiency that the healthcare system could achieve by implementing healthcare information technology: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning June 9, 2008, as "National Health Information Technology Week";

(2) recognizes the value of healthcare information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls upon all stakeholders to promote the use of healthcare information technology and management systems to transform the United States healthcare system.

#### SENATE RESOLUTION 590—CELEBRATING THE 233RD BIRTHDAY OF THE ARMY AND COMMENDING THE MEN AND WOMEN OF THE ARMY AS EXCEPTIONAL INDIVIDUALS WHO LIVE BY THE ARMY VALUES OF LOYALTY, DUTY, RESPECT, SELFLESS SERVICE, HONOR, INTEGRITY, AND PERSONAL COURAGE

Mr. INHOFE (for himself, Mr. AKAKA, Mrs. HUTCHISON, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas, from the first Continental Army under General Washington at Yorktown to the beaches of Normandy, the city streets of Iraq, and the mountains of Afghanistan, the Army has protected and kept the flame of democracy burning brightly;

Whereas the citizens of the United States continue to enjoy the benefits of freedom and democracy because the men and women of the Army have stood through adversity, remained steadfast in the most difficult of circumstances, and bravely fought against the enemies of peace throughout the world;

Whereas the sacrifices of the men and women of the Army inspire and instill great pride in all citizens of the United States;

Whereas the active duty, National Guard, and Reserve components of the Army protect the Nation from our enemies, defend our vital national interests, provide support to civil authorities in response to domestic emergencies, provide ready forces and land force capabilities to the Combatant Commanders in support of the National Security Strategy, and support operations around the world, ranging from peace-time military engagements to major combat operations;

Whereas the Army is successfully performing operations, other than combat operations, including—

(1) supporting the defense of South Korea, Japan, and many other friends, allies, and partners of the United States;

(2) conducting peacekeeping operations in the Sinai Peninsula and the Balkans;

(3) conducting multinational exercises that reflect our longstanding commitments to alliances;

(4) continuing engagements with foreign militaries to build partnerships and preserve coalitions by training and advising their military forces;

(5) participating, most notably by the Army National Guard, in securing the borders of the United States and conducting operations to counter the flow of illegal drugs;

(6) supporting civil authorities in responding to domestic emergencies, including natural disasters and threats at home and abroad;

(7) supporting interagency and multinational partnerships with technical expertise, providing critical support after natural disasters, and promoting regional stability; and

(8) supporting operations to protect against weapons of mass destruction and block their proliferation;

Whereas the accomplishments of the Army are attributable to the men and women of

the Army who have demonstrated courage, strength, and versatility and endured countless hardships and made great sacrifices in performing diverse missions worldwide;

Whereas the contributions of Army families should also be recognized, as Army families provide the cornerstone of strength and support for the Nation's Soldiers and display tremendous commitment and sacrifice to the Nation by providing critical support to their loved ones during prolonged absences;

Whereas the Army has been continuously engaged in persistent combat operations for more than 6 years, has constantly and successfully adapted to ever-changing security environments, has displayed courage, resourcefulness, and resilience in the most grueling conditions, and, while focused on preparing forces and building readiness for counterinsurgency operations and providing stability, security, and hope to the peoples of Iraq and Afghanistan, has taken significant steps toward restoring balance to the all-volunteer, battle-hardened force; and

Whereas those and countless other great accomplishments add to the longstanding tradition of the Army and attest to the extraordinary capability of the men and women who serve the United States in the Army: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 233rd birthday of the Army;

(2) salutes the men and women of the Army and their families;

(3) commends the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and

(4) recognizes that the great men and women of the Army are the reason it continues to stand as the best army in the world and continues to perform extraordinary tasks while upholding its hallowed traditions.

#### SENATE CONCURRENT RESOLUTION 88—EXPRESSING THE SENSE OF CONGRESS THAT THE FOOD AND DRUG ADMINISTRATION'S (FDA) NEW POLICY RESTRICTING WOMEN'S ACCESS TO MEDICATIONS CONTAINING ESTRIOL DOES NOT SERVE THE PUBLIC INTEREST

Mr. CORNYN (for himself and Mr. BUNNING) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 88

Whereas menopause is often a challenging transition for millions of women that requires specialized medications and medical treatments;

Whereas physicians prescribe a variety of pharmaceutical treatment options to treat women experiencing the symptoms of menopause;

Whereas individual women respond differently to different treatment options;

Whereas women's physicians determine on a case-by-case basis which treatment option is optimal for each woman;

Whereas many physicians prescribe compounded estrogen and other bioidentical hormone treatments for patients for a variety of reasons;

Whereas many physicians prescribe compounded estrogen treatments that contain estriol to treat menopausal and perimenopausal women;

Whereas estriol is one of three estrogens produced by the human body;

Whereas estriol has been prescribed and used for decades in the United States;

Whereas Congress has long recognized active pharmaceutical ingredients meeting standards set by the United States Pharmacopeia as permissible options for physician prescribing and pharmacy compounding;

Whereas the Food and Drug Administration (FDA) has announced that it will no longer permit compounding pharmacists to prepare medications containing estriol pursuant to a doctor's prescription;

Whereas insurers are now denying women reimbursement for compounded medications containing estriol as a result of the FDA's announcement; and

Whereas the FDA has acknowledged that it is unaware of any adverse events associated with use of compounded medications containing estriol: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) physicians are in the best position to determine which medications are most appropriate for their patients;

(2) the Food and Drug Administration (FDA) should respect the physician-patient relationship; and

(3) the FDA should reverse its policy that aims to eliminate patients' access to compounded medications containing estriol that their physicians prescribe for them, unless the FDA holds a public comment period on the issue and can document evidence of adverse events and other safety issues to justify such policy.

## 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 that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 17, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the challenges and regional solutions to developing transmission for renewable electricity resources.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina\_weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224-2209 or Gina Weinstock at (202) 224-5684.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate, on Tuesday, June 10, 2008, at 2:30 p.m.

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 10, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

### COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 10, 2008, at 2:30 p.m. to hold a closed hearing.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Joshua Mayer, an intern in Senator BINGAMAN's office, be granted privileges of the floor for the remainder of today, June 10, 2008.

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

Mr. ENZI. Mr. President, I ask unanimous consent that Sara McElroy from my staff be allowed floor privileges for the rest of the afternoon.

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

## AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 757, H.R. 634.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 634

*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 "American Veterans Disabled for Life Commemorative Coin Act".

## SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Armed Forces of the United States have answered the call and served with distinction around the world—from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East.

(2) All Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country.

(3) All Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy.

(4) In 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial.

(5) The United States should pay tribute to the Nation's living disabled veterans by minting and issuing a commemorative silver dollar coin.

(6) The surcharge proceeds from the sale of a commemorative coin would raise valuable funding for the construction of the American Veterans Disabled for Life Memorial.

## SEC. 3. COIN SPECIFICATIONS.

(a) **\$1 SILVER COINS.**—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 \$1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

## SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

[(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.]

(1) **DESIGN.**—*The design of the coins minted under this Act shall be emblematic of the service of our disabled veterans who, having survived the ordeal of war, made enormous personal sacrifices defending the principles of our democracy.*

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

## SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—

(1) **IN GENERAL.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.



(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2010.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7 with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

#### (c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of American Veterans' Disabled for Life Memorial in Washington, DC.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. BROWN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (H.R. 634), as amended, was ordered to be read a third time, was read the third time, and passed.

#### LOCAL PREPAREDNESS ACQUISITION ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 768, H.R. 3179.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3179) to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3179) was ordered to be read a third time, was read the third time, and passed.

#### NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 589, which was submitted earlier today by Senator STABENOW of Michigan.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 589) designating the week beginning June 9, 2008, as "National Health Information Technology Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 589) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 589

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 60 stakeholder organizations for more than 47 years to transform healthcare with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States resources relating to healthcare each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and the Secretary of Health and Human Services have made a commitment to leverage the benefits of the healthcare information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas, since 2006, organizations across the United States have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of the improved quality and cost efficiency that the healthcare system could achieve by implementing healthcare information technology:

Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 9, 2008, as "National Health Information Technology Week";

(2) recognizes the value of healthcare information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls upon all stakeholders to promote the use of healthcare information technology and management systems to transform the United States healthcare system.

#### CELEBRATING THE 233RD BIRTHDAY OF THE ARMY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 590, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) celebrating the 233rd birthday of the Army and commending the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, today Senator INHOFE and I celebrate the Army's 233rd birthday. For over two centuries, the Army has fought to preserve the principles of democracy not only here in the United States but around the world.

Our Nation's Army soldiers have served this Nation with honesty, courage, and dignity, and it is my privilege to take this opportunity to commemorate its birth. Both in times of peace, and in times of war, the U.S. Army has answered the call of duty and responded to the challenge of defending our Nation. All of our Army units, Active, Guard and Reserve, share the heritage of the first Continental Army which fought so valiantly to ensure the birth of a nation founded on the ideals of justice and freedom.

Mr. INHOFE. Mr. President, the commitment and duty of the Army soldiers who have risked their lives to preserve

our freedom have left an indelible mark on this Nation. During the Army's 233-year history, tens of thousands of these brave men and women have sacrificed their lives on distant battlefields to keep our Nation safe. I salute them for their service to this country.

Mr. AKAKA. My colleague Senator INHOFE and I also want to pay tribute to the families of those soldiers who risk their lives for our Nation. Too often the important role that families play goes unacknowledged but their faith and devotion are vital to the Army's success. The families of our soldiers have my deepest appreciation for the sacrifices they make and for the support they give our troops.

Mr. INHOFE. As this Nation continues to fight in the global war on terror, the Army has been key to providing the capabilities it needs to persist in its struggle for liberty and democracy. Through the efforts of the U.S. Armies the world has been made a more secure, prosperous, and better place for all of mankind. The courage and dedication of these soldiers are an inspiration to us all, and may the rest of us endeavor to be "Army strong" in our own lives.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 590

Whereas, from the first Continental Army under General Washington at Yorktown to the beaches of Normandy, the city streets of Iraq, and the mountains of Afghanistan, the Army has protected and kept the flame of democracy burning brightly;

Whereas the citizens of the United States continue to enjoy the benefits of freedom and democracy because the men and women of the Army have stood through adversity, remained steadfast in the most difficult of circumstances, and bravely fought against the enemies of peace throughout the world;

Whereas the sacrifices of the men and women of the Army inspire and instill great pride in all citizens of the United States;

Whereas the active duty, National Guard, and Reserve components of the Army protect the Nation from our enemies, defend our vital national interests, provide support to civil authorities in response to domestic emergencies, provide ready forces and land force capabilities to the Combatant Commanders in support of the National Security Strategy, and support operations around the world, ranging from peace-time military engagements to major combat operations;

Whereas the Army is successfully performing operations, other than combat operations, including—

(1) supporting the defense of South Korea, Japan, and many other friends, allies, and partners of the United States;

(2) conducting peacekeeping operations in the Sinai Peninsula and the Balkans;

(3) conducting multinational exercises that reflect our longstanding commitments to alliances;

(4) continuing engagements with foreign militaries to build partnerships and preserve coalitions by training and advising their military forces;

(5) participating, most notably by the Army National Guard, in securing the borders of the United States and conducting operations to counter the flow of illegal drugs;

(6) supporting civil authorities in responding to domestic emergencies, including natural disasters and threats at home and abroad;

(7) supporting interagency and multinational partnerships with technical expertise, providing critical support after natural disasters, and promoting regional stability; and

(8) supporting operations to protect against weapons of mass destruction and block their proliferation;

Whereas the accomplishments of the Army are attributable to the men and women of the Army who have demonstrated courage, strength, and versatility and endured countless hardships and made great sacrifices in performing diverse missions worldwide;

Whereas the contributions of Army families should also be recognized, as Army families provide the cornerstone of strength and support for the Nation's Soldiers and display tremendous commitment and sacrifice to the Nation by providing critical support to their loved ones during prolonged absences;

Whereas the Army has been continuously engaged in persistent combat operations for more than 6 years, has constantly and successfully adapted to ever-changing security environments, has displayed courage, resourcefulness, and resilience in the most grueling conditions, and, while focused on preparing forces and building readiness for counterinsurgency operations and providing stability, security, and hope to the peoples of Iraq and Afghanistan, has taken significant steps toward restoring balance to the all-volunteer, battle-hardened force; and

Whereas those and countless other great accomplishments add to the longstanding tradition of the Army and attest to the extraordinary capability of the men and women who serve the United States in the Army: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 233rd birthday of the Army;

(2) salutes the men and women of the Army and their families;

(3) commends the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and

(4) recognizes that the great men and women of the Army are the reason it continues to stand as the best army in the world and continues to perform extraordinary tasks while upholding its hallowed traditions.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 629, the nomination of Michael E. Leiter to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence; that the nomination be confirmed, the motion to reconsider be laid upon the table, with no other motions in order; that the President be

immediately notified of the Senate's action; that any statements relating to the nomination be printed in the RECORD, and that the Senate then return to legislative session, without further intervening action or debate.

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

The nomination considered and confirmed is as follows:

#### EXECUTIVE OFFICE OF THE PRESIDENT

Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### ORDERS FOR WEDNESDAY, JUNE 11, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, June 11; 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 proceed to a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. I further ask unanimous consent that following morning business, the Senate resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act, and that the first 4 hours be equally divided between the two leaders or their designees and controlled in 30-minute blocks in an alternating fashion, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; and that following the controlled block of time, Senators be permitted to speak for up to 10 minutes each.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, June 11, 2008, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FREDERICK S. CELEC, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

DEPARTMENT OF STATE

JOHN MELVIN JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

AFRICAN DEVELOPMENT FOUNDATION

JOHN W. LESLIE, JR., OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2013. (REAPPOINTMENT)

JOHN O. AGWUNOBI, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2014, VICE EPHRAIM BATAMBUZE, TERM EXPIRED.

JULIUS E. COLES, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOP-

MENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011, VICE WILLIE GRACE CAMPBELL, TERM EXPIRED.

MORGAN W. DAVIS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2013, VICE EDWARD BREHM, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

HEATHER MCCALLUM, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE CYNTHIA ALLEN WAINSCOTT, TERM EXPIRING.

CHRISTINA ALVARADO SHANAHAN, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE PATRICIA POUND, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 10, 2008:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL E. LEITER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

MARK S. DAVIS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

DAVID GREGORY KAYS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

STEPHEN N. LIMBAUGH, JR., OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.