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Senate

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Almighty God, You have plans for us and power to make them happen. Give the Members of this body a knowledge of Your will for our Nation and world. Remind them that they serve a public trust, beyond personal gain or glory. May they see that no nation lives for itself alone but is responsible to You for peace, and for the well-being of all of Your children. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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, July 28, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB 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, there will be an hour for debate equally divided and controlled by the two leaders or their designees. Senators should be prepared for two rollcall votes to begin around 4 p.m. The first vote will be a live quorum and the second vote will be on the motion to invoke cloture on the motion to proceed to S. 3297, a bill to advance America's priorities.

UNANIMOUS-CONSENT REQUEST— S. 3268

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers S. 3268, the bill be considered in the following manner: there be 3 hours of general debate on the bill, equally divided and controlled between the leaders or their designees; that the only first-degree amendments in order be those listed in this agreement and that second-degree amendments which are relevant to the first degree to which offered be in order; provided further that if the managers and leaders acting jointly determine that a side-by-side amendment strategy is the appropriate manner to address the amendments in order, then in lieu of a second degree a side-by-side amendment would be in order, with the majority side getting the first vote if that were the case; that debate time on any amendment, first or second degree, in this agreement be limited to 2 hours equally divided and controlled in the usual form; that each amendment, first and second-degree, be subject to an affirmative 60-vote threshold; that if it achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table, but if it does

not achieve the affirmative 60 votes, then the amendment be withdrawn; the Republican amendments would be offshore drilling, an oil shale amendment, nuclear energy, and then there is a package of—I think there are 42 cosponsors in a package they have relating to energy; the Democratic amendments: We would have four amendments on the subject of energy; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill, as amended, if amended, with no intervening action or debate.

Mr. President, before the distinguished Republican leader decides what to do on this, basically this is on the energy package to set this up where there would be, as indicated here, four amendments on each side. Ours could either be second degrees or, if we wanted a side by side, we could do that. There would be, as has been the standard around here on issues such as this, a 60-vote threshold. This would take care of issues that we understand are important to the minority: offshore drilling, oil shale exploration, nuclear energy, and the omnibus package that they put together.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, reserving the right to object, let me say to my good friend, the majority leader, I think we are getting very close to being able to reach an agreement to go forward. This is a significant step in the direction I had hoped we might take.

I ask my good friend, I have a leadership meeting in an hour or so. I wish to consult with my leadership team about the proposal he has offered. But I think—

Mr. REID. Mr. President, I withdraw the consent request and will renew it at a later time.

Mr. McCONNELL. Mr. President, let me say, I am very encouraged by this

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



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development. I thank my good friend for his offer, and I should be able to get back to him within a couple of hours or less, after having a chance to talk about it with my team. I thank him very much.

Mr. REID. Mr. President, the other consent I was going to ask is consent that S. 3268—that is the Energy bill that is before us now, the speculation bill—remain the pending business, notwithstanding the adoption of a motion to proceed to a nonprivileged item; namely, it would be the Coburn package. The reason that is important is, if we do that now—we have a vote at 4 o'clock or 4:20, whatever the case might be—I wanted to make sure that one of the arguments used against that going forward, which is that energy would not remain as the pending business, that this agreement would take care of that. So if people want to object to proceeding on the matter we now have before us, that we are going to be voting on in a short period of time, if they want to use the excuse it is going to take us off energy, this consent agreement would not do that.

Mr. MCCONNELL. Mr. President, reserving the right to object, as I understand it, this consent, if entered, would have the effect of moving us off of energy, and it is my view, and I think close to the unanimous view of my conference, that we ought to stay on this energy speculation bill, as it might be amended, and proceed to amendments such as we have in good faith discussed here a few moments ago. So I at this time would object to this.

Mr. REID. I say to my friend, this does not take us off energy. But anyway, the objection has been heard. So I thank the Chair.

The ACTING PRESIDENT pro tempore. The objection is heard.

ADVANCING AMERICA'S PRIORITIES ACT

Mr. REID. Mr. President, there is a woman who lives in Sparks, NV. Her name is Kathie Barrett. She is married and has two children. Sparks is a suburb of Reno, NV. When you are there, you cannot tell whether you are in Sparks or Reno. The demarcation between the two over the years has become insignificant. You cannot tell most of the time whether you are in Reno or Sparks.

Kathie, after taking several years off to raise her children, went back to work as a librarian's assistant. Six years ago, Kathie was diagnosed with ALS, Lou Gehrig's disease. Of course, she was declared unable to continue to work.

Her breathing capacity is extremely limited and getting worse every day, but in spite of tremendous muscle loss and coordination in her neck and back, she and her husband Martin traveled to Washington, DC, from Sparks to ask Congress to pass the ALS Registry Act.

She is one of 5,600 Americans who are newly diagnosed every year with this

fatal disease, Lou Gehrig's disease. There is no cure for the disease, and the one FDA-approved drug works for only 20 percent of the patients, and even then it merely extends life for a few months.

Lou Gehrig's disease has proven particularly hard for scientists and doctors to research, much less cure. One reason is that there is a problem: There is no centralized place where the data on this disease is collected. Researchers have only a patchwork of information to work with.

I introduced the ALS Registry Act last year to create a database at the Centers for Disease Control and Prevention to centralize research and information on Lou Gehrig's disease. This legislation would not guarantee a cure for Kathie and thousands of other Americans who suffer, but for the first time it would give them hope for new treatment and the prospect of a cure.

I was happy to see the House of Representatives embrace my legislation by an overwhelming vote of 411 to 3—411 to 3. When the ALS Registry Act reached the Health, Education, Labor, and Pensions Committee here in the Senate, it passed unanimously. It seemed at the time this worthy initiative was headed toward swift passage. Yet one Republican Senator prevented it from passing. Kathie Barrett continues to wait for Congress to act. Tens of thousands of others continue to suffer, as doctors and scientists are unable to gather and access the information that could help them.

The same Republican Senator who continued to hold up passage of the ALS Registry Act has, unfortunately, done the same for dozens of other worthy and overwhelmingly bipartisan bills. A few of these bills include, in this package alone, the Emmitt Till Unsolved Crimes bill. Emmitt Till's brother was here testifying about the importance of this legislation within the past week or so. This bill would help heal old wounds and provide the Department of Justice and the FBI tools needed to effectively investigate and prosecute unsolved civil rights era murders, and there are lots of them.

Another one of the bills is the runaway and homeless youth bill, which would provide grants for health care, education, and workforce programs, and housing programs for runaways and homeless youth, which is essential. We need that passed.

Another one of the bills is the combating child exploitation bill, which would provide grants to train law enforcement to use technology to track individuals who trade in child pornography and establish an Internet Crimes Against Children Task Force.

Another one of the bills is the Christopher and Dana Reeve Paralysis Act, which would enhance cooperation in research, rehabilitation, and quality of life for people who suffer from paralysis.

We tried to pass each of these bills separately, but we have had to face ap-

proximately 90 filibusters in the last 18 months. Each one of these filibusters takes about—if you put them together, it takes over a week. So we have been unable to do these one at a time.

Our efforts to pass these bills separately have been stalled by the objection of one Senator. All Senators should refuse to let that senseless objection be the last word on these important measures.

We have packaged these and other bills in the Advancing America's Priorities Act, to give the Senate the chance to overcome this senseless obstructing of our Nation's business.

Not a single one of the 35 bills in this package that has been packaged into one are partisan, nor are they controversial.

These bills have been passed by the House of Representatives overwhelmingly and their respective Senate committees with overwhelming support from Democrats and from Republicans.

The prime Republican obstructor to these bills asserts that he opposes them because they cost too much. That argument reflects an intentional mischaracterization of the legislative process. This is an authorization bill, not an appropriations bill. For those uninitiated in the ways of Congress, an authorization bill does not create 1 penny of spending. The Senator preventing this legislation from passing knows this, but he continues this facade. Spending decisions are made through an entirely separate budget and appropriations process. The appropriations process is when our limited Federal resources are divided. If Republicans or this Senator want to argue against any of these programs during the appropriations process, they have every right to do that.

In fact, the appropriations process affords them three separate opportunities: in the subcommittee, the full committee, and the Senate floor.

All these authorization bills do is move these initiatives forward in the legislative process. It allows them to be considered for the appropriations process. If we do not authorize them now, they will not be eligible for consideration during the appropriations process. Voting against them now would deny Congress the opportunity to fund any of them.

So do I hope that most, if not all, of these initiatives will be funded during the appropriations process? Absolutely.

I no longer am a member of the Appropriations Committee. I had been for 25 years or so, but I am not now because of my other responsibilities. So I hope they are all funded, but that is a different arm. I don't make that decision.

Congress must always be watchful and prudent with the taxpayers' dollars, and the person objecting to these is no more prudent than any of the other 99 Senators regarding the taxpayers' dollar.

I am as alarmed as anyone that President Bush and his Republican allies in Congress have allowed the national debt to increase by over \$3 trillion over the last 7½ years. I am as alarmed as anyone that we continue to spend \$5,000 a second in Iraq, funding a \$12 billion war every month with borrowed money, putting it on credit—a big credit card—and sending the bill to our children and our grandchildren. I am as alarmed as anyone to hear this morning that there will be a record budget deficit in 2009 of about half a trillion dollars. The fiscal irresponsibility of this administration will be President Bush's legacy.

However, this package of bills, including the ALS registry I have talked about, helping runaways and homeless children, providing the Justice Department with tools to fight unresolved crimes, and cracking down on child pornography—these are all priorities, and priorities of all of us, Democrats and Republicans. We should all embrace these priorities. They will not add a single penny to the Bush budget deficit.

You don't have to take my word for it. The independent Congressional Budget Office, which is not partisan, has reviewed the Advancing America's Priorities Act and reports this:

Those authorizations do not cause changes in Federal spending or revenues.

I ask unanimous consent that the statement—in fact, it is a letter from the Congressional Budget Office, signed by Peter Orszag, who is the Director, copies of which were sent to two members of the committee, one to Chairman CONRAD and one to JUDD GREGG. I ask unanimous consent to have this letter printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Congressional Budget Office has reviewed S. 3297, a bill to advance America's priorities, as introduced on July 22, 2008. The bill includes numerous provisions that would affect health care, criminal statutes, laws to protect wildlife and the environment, international aid programs, efforts to promote commerce, ocean research, and other government programs.

Most of the bill's provisions would specifically or implicitly authorize increased appropriations for purposes specified in the bill. By themselves—that is, in the absence of subsequent legislation—those authorizations do not cause changes in federal spending or revenues.

Although CBO has not completed a comprehensive review of S. 3297, we have previously prepared cost estimates for numerous pieces of legislation that are similar or identical to most of the major provisions in this bill. Based on those previous estimates and on a preliminary review of S. 3297, CBO estimates that, in total, the bill would authorize the appropriation of approximately \$10 billion over the 2009–2013 period. CBO estimates that, if those sums are appropriated

in future legislation, implementing the bill would cost about \$8 billion over the 2009–2013 period.

Some provisions of S. 3297 would establish new federal crimes. Because those prosecuted and convicted under S. 3297 could be subject to criminal fines, the Federal Government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases affected.

S. 3297 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would impose a private-sector mandate on certain entities that handle nonhuman primates, but CBO expects that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$136 million in 2008, adjusted for inflation).

If you wish any further details, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

PETER R. ORSZAG,
Director.

Mr. REID. Mr. President, this is an indisputable fact. Any efforts to portray this legislation as a spending bill—much less a reckless spending bill—are indisputably false.

We have been down this road before. Earlier this year, the same Republican Senator who is the leading obstructor of these bills did the same thing for a package of lands bills. We acted in good faith and negotiated a set of amendments with him so that his concerns would receive full and fair consideration on the Senate floor. Those familiar with our negotiations would surely agree that we offered him a far more generous arrangement for amendments than many Democrats or Republicans would have thought his objections merited. But after spending considerable time negotiating in good faith, it became clear this Senator was not serious about reaching an agreement. Then, like now, we tried to pass the more than 60 initiatives in the lands package as stand-alone legislation. Those efforts were obstructed by the Republican side. After months of delay, we finally voted on the lands package. This package passed the Senate by a vote of 91 to 4. Every one of them is now law. The American people are benefiting from each one of them.

Some Republican Senators take another approach to explain their obstruction to this legislation. They say it is an effort to preserve minority rights.

Democrats have been more than willing to open debate on amendments, even on legislation such as this where we are baffled by Republican opposition. If the Republican Senator or Senators who are blocking this legislation are serious about having concerns heard on the floor, they should offer an opportunity to do that—they are certainly entitled to it—but it is clear that the ultimate goal is to make political points at the expense of millions

of Americans who would be assisted by these very important pieces of legislation. Republican Senators have acted within their rights to block and delay action, but simply being within their rights does not make it right.

Some Republicans make one final spurious argument for opposing this legislation: that it takes us off the energy legislation.

As we learned a few minutes ago, I offered unanimous consent that we would stay on the Energy bill and that this would not set it aside. If we worked on this, we would be right back on Energy. Democrats have tried again and again to legislate on energy prices. We have introduced proposals that would lower gas prices in the short term while addressing the root cause of the problem in the long term. We have even offered Republicans exactly what they claim to want: votes on drilling, oil shale, nuclear energy, and their entire package.

In Congressional Daily today, this appeared on the back page. It says:

Cheaper, faster, safer options exist to solve the oil crisis. Don't buy Big Oil's lie.

Then it has a picture of a big oil rig out in the middle of the ocean. It says:

Drilling for oil in America's precious natural areas will NOT lower gas prices. But Big Oil's profits will skyrocket even higher.

The U.S. Department of Energy's truth: The Energy Information Administration says offshore or Arctic Refuge oil won't flow for ten years and prices won't be affected until at least 2027.

This is from President's Bush's Department of Energy.

The impact on price? "Insignificant."

The U.S. Department of the Interior's truth: The number of drilling permits on federal lands doubled in the last five years while the price of gas almost tripled. More drilling does not lower prices.

The U.S. House Committee on Natural Resources's truth: Oil and gas companies hold leases to millions of acres of Federal land and waters. These leases are producing no oil.

Legendary oil man T. Boone Pickens's truth—

And this is a direct quote—

I've been an oil man all my life, but this is one emergency we can't drill our way out of.

He said that about a month ago.

The plain truth: While the American public struggles to pay record-breaking gas prices, big oil companies rake in record-breaking profits.

The U.S. holds 2 percent of all the oil reserves, but consumes 25 percent of the world's oil. We can't drill our way to energy independence. Energy efficiency, renewables, and technological advances are the cheaper, faster, safer way to meet America's energy needs, while reducing the threat of global warming.

Tell them you don't buy Big Oil's lie and they shouldn't either.

This has been paid for by a number of organizations. Some are strictly environmental. Some of them are concerned about other things. Ocean Conservancy helped pay for this. League of Conservation Voters, Friends of the Earth, National Audubon Society, Sierra Club, Defenders of Wildlife, Pacific

Environment, Waterkeeper Alliance, Gulf Coast Environmental Defense, Ocean Protection Coalition.

So we have even offered the Republicans exactly what they claim to want—votes on drilling, oil shale, and nuclear power—and they have said no to this point. Hopefully, they will say yes. They have said no. So if the American people are wondering why Congress has not passed legislation on gas prices, it is because Republicans refuse to take yes for an answer.

Democrats will continue to propose ideas to address the energy crisis. Unlike our Republican colleagues, we are offering solutions. Democrats await the day that Republicans tire of endlessly talking about the energy crisis and decide it is time to join us in actually getting something done. Any Republican effort to confuse the debate on this package of bills with the debate over energy is disingenuous.

So I hope we will see this unfortunate obstruction end the way the lands package ended in April: After a delay and Republican political gamesmanship and unnecessary headaches, the legislation passed 91 to 4.

Everyone should understand our legislative days are very limited. Last week, the Republicans killed for the year LIHEAP legislation. I don't know what we are going to do to help those senior citizens, disabled, and low-income people come these cold winter months. We also have these 34 bills packaged together today that we will not be able to pass. We will have to wait until we get a new Congress and a new President. It would be wrong and unconscionable to defer the hope of many people—the hope of Kathie Barrett from Sparks, NV, and all of those who suffer from Lou Gehrig's disease—any longer. For them—for the victims of unresolved civil rights-era crimes, for homeless children, for victims of child pornography, and for the 30 other meritorious bills sponsored by Democrats and Republicans—it is time to put aside the delay, put aside the politics, put aside the obstruction, and pass the Advancing America's Priorities Act into law.

I say again, those Senators who walk down here and vote no on these proposals, they are going to have to answer to their constituents, to voters. How do you justify voting against these measures?

RECOGNITION OF THE MINORITY LEADER

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

DEALING WITH HIGH GAS PRICES

Mr. McCONNELL. Mr. President, I am heartened by the consent agreement the majority leader was about to offer a while ago, and I think it indicates that we are finally getting serious here about doing something signifi-

cant about the price of gas at the pump. I appreciate the spirit in which that was offered. As I indicated, I will be getting back to him later this afternoon.

But make no mistake about what has been going on. The press has understood it. There has been a lot of bobbing and weaving, cancellations of Appropriations Committee meetings in order to avoid votes on offshore drilling or getting rid of the oil shale moratorium which was put in place just last year by the new majority. Great efforts have been underway, to the point where even the Washington Post a few days ago was calling on the Speaker of the House of Representatives—the Washington Post was calling on the Speaker of the House of Representatives—to allow votes on drilling.

There is no denying there has been a great effort to try to kick this can down the road and not deal with it. For example, the senior Senator from New York, who is the campaign chairman, if you will, for the Democratic Senate candidates, was quoted in the Post just this weekend as saying we should just wait until there is a new President before dealing with this issue; in other words, we should put it off for 6 months. In the meantime, consumers continue to pay these extraordinarily high prices at the pump while the chairman of the Democratic Senatorial Campaign Committee recommends we just wait to deal with it until, he hopes, he has a better political lineup with which to deal. Look, we don't need to wait 6 months. We need to do it this week—this week.

The New York Times—I rarely cite the New York Times—in an editorial just this morning indicated that even though they don't share my view and the view of the majority of my Members who think increased domestic production will have a positive impact on the price of gas at the pump—while they don't share that view, this is what they had to say about the speculation bill which our good friends on the other side would like to pass essentially with nothing added to it—in other words, a speculation-only bill. The New York Times this morning on the speculation-only bill:

Democrats' misbegotten plan to curb speculation and oil futures.

This is the New York Times, not the Wall Street Journal.

They go on:

Democrats should know that financial speculation is not what's driving oil prices, and that curbing futures trading could hamper the ability of companies like airlines and oil refineries to manage their risks by locking in the price of oil. Putting them together is compounding one bad idea with another.

Again, this is the New York Times, not the Wall Street Journal.

The Times goes on:

A report by government agencies—including the CFTC, the Federal Reserve, the Treasury and Energy Departments—found that speculative trades in oil contracts had little to no effect on the rise of prices over the last five years.

Again, this is not the Wall Street Journal and not Investors Business Daily. This is the New York Times about the underlying bill which our good friends on the other side of the aisle had been hoping to pass without any additional amendments.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the New York Times, July 28, 2008]

GAS PRICE FOLLIES

Add high energy prices to a sagging economy in an election year and politicians will inevitably come up with bad policies, like converting the corn crop into ethanol or John McCain's proposal to suspend the federal gas tax—neither will provide real relief at the pump while both are guaranteed to create other problems.

The good news is that Congress failed last week to cut a deal on two more bad ideas: Republicans' misguided push for offshore drilling and Democrats' misbegotten plan to curb speculation in oil futures.

Republicans should know that allowing more offshore drilling might marginally trim oil prices—in about a decade—while sacrificing important environmental protections. Democrats should know that financial speculation is not what's driving oil prices, and that curbing futures trading could hamper the ability of companies like airlines and oil refineries to manage their risks by locking in the price of oil. Putting them together is compounding one bad idea with another.

Of course, there is plenty of evidence that markets can be manipulated by fraudulent speculation—recall the Enron mess. Yet all evidence suggests that speculation has little to do with the rising price of crude. From rice to iron, commodity prices are all rising, even without much financial speculation, due to a variety of factors including a weak dollar and growing demand from China and India.

A report by government agencies—including the Commodity Futures Trading Commission, the Federal Reserve and the Treasury and Energy Departments—found that speculative trades in oil contracts had little to no effect on the rise in prices over the last five years.

Oil futures are financial contracts for future delivery of oil. Their price has been responding to the same factors: growing world demand in the face of stagnant supply and the expectation that this dynamic will continue.

Like some of the other "cures," offering to solve Americans' energy woes by drilling or slapping Wall Street around merely feeds the myth that there is a quick and easy solution out there. There isn't. Expensive oil is likely here to stay. Americans must burn less oil and find alternative sources of energy that do far less damage to the environment.

Mr. McCONNELL. Hopefully, Mr. President, we will be able to construct later this afternoon a process by which we can go forward and consider amendments that would really have an impact on the problem. I look forward to getting back to the majority leader later in the afternoon on the prospects of entering into a consent agreement that will allow us to consider all of these important items—not 6 months from now but this week.

Mr. President, I yield the floor.

Mr. REID. Mr. President, when the bill is laid down, would the Chair announce how much time there is for Senator MCCONNELL and me to divide?

The ACTING PRESIDENT pro tempore. The Chair will do so.

RESERVATION OF LEADER TIME

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

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3297, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar 894, S. 3297, the Advancing America's Priorities Act.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4 p.m. shall be equally divided between the two leaders or their designees.

Mr. REID. So we each have approximately 15 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I designate that Senator DURBIN take 7½ minutes and Senator BOXER take 7½ minutes.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, I wish to just ask a question.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. While my leader, the Republican leader, is here on the floor, I had thought that I was going to speak for 5 minutes following you, but I understand that our side will only have 15 minutes.

Mr. MCCONNELL. I would say to my friend from New Mexico, I have spoken, so whatever time remains on this side—

Mr. DOMENICI. You want him to have? That is fine with me. I will speak afterward.

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 15½ minutes.

Mr. MCCONNELL. Mr. President, the time on our side will be used by the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I understand the time is divided between myself and Senator DURBIN. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 7½ minutes.

Mr. REID. Mr. President, I ask unanimous consent that following Senator BOXER, we go to Senator COBURN and then to Senator DURBIN.

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

Mr. COBURN. Reserving the right to object, if the majority leader would agree, I wish us to have a back and forth debate. I would let Senator DURBIN have the last word, if that is OK with the majority leader.

Mr. REID. I don't understand that. We don't have that much time.

Mr. COBURN. I suggest that the last 2 minutes of debate be controlled by Senator DURBIN, and the rest be divided equally among us, as we have it divided now.

Mr. REID. That is fine with me, Mr. President.

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

Mrs. BOXER. Mr. President, I wish to spend the 7 minutes talking about four bills that are in this package from the Environment and Public Words Committee, all of which have broad bipartisan support, and I want to correct the RECORD on some of the things Senator COBURN stated about one of the bills.

The bills are the Captive Primate Safety Act, the Beach Protection Act, the Chesapeake Bay Gateway Act continuing authorization, and the Appalachian Regional Development Act amendment. These bills are all bipartisan and they represent a diverse background of support in the country and in the Senate.

The Appalachian Regional Development Act amendment reauthorizes and improves the Appalachian Regional Development Act of 1965. The ARDA is a Federal-State partnership that works with the people of Appalachia toward self-sustaining economic development and to improve the quality of life in all, or portions, of 13 States—Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The commission's primary function is to support economic development in the Appalachian area, critical infrastructure to provide a climate for business, growth, and industry that will create jobs in the regions that need that help. The bill strengthens existing law and provides better assistance to counties in the region that are most at risk of becoming economically distressed. The bipartisan support for this bill is very strong. It includes Senators VOINOVICH, ALEXANDER, BROWN, BURR, BYRD, CARDIN, CLINTON, COCHRAN, DOLE, GRAHAM, MCCONNELL, MIKULSKI, ROCKEFELLER, SCHUMER, SESSIONS, SHELBY, SPECTER, and WARNER. We certainly hope this package passes because this area of the Nation requires this commission to continue its work.

Next, the Beach Protection Act. We spent a lot of time talking about offshore oil drilling. Let the RECORD show that everyone in the Senate supports offshore oil drilling. The difference between Democrats and Republicans is that they want to open pristine areas off the coast, where we protect a \$70 billion coastal economy, while the oil companies hold leases to 68 million

acres and they are not drilling. So we all say drill now to these oil companies. But as far as opening our pristine coast and jeopardizing the coastal economy, that doesn't make much sense. What will happen is you will give the oil companies more assets on their balance sheet, and they are still not drilling the acres they have, the 68 million acres, plus they have access to another 28 million acres in the Alaska Naval Reserve. I believe they have developed 3 million of those acres. It has about three times as much oil as ANWR. This is so much bluster and there is nothing to it—except the oil companies' power to be shown on the floor of the Senate by my friends, the Republicans.

Regardless of those differences, we want to protect our beaches. We don't want to have our kids swimming in polluted water. They want to enjoy the clean, safe, healthy, pristine beaches. The Beach Act will do that. Essentially, there are improvements that are greatly needed so that the waters are tested and people know it is safe to swim. The bipartisan support for this bill includes Senators LAUTENBERG, VOINOVICH, WARNER, BROWN, CARDIN, CLINTON, DURBIN, KERRY, KLOBUCHAR, MENENDEZ, SCHUMER, and STABENOW.

The Chesapeake Bay Gateway Act will help to connect the public with the Chesapeake Bay and its rivers to 150 exceptional parks, wildlife refuges, and historic trails. It is one of America's and the world's most important estuaries. The American people put a great amount of resources into protecting and restoring this great water body, and now this bill will help the public understand, visit, and enjoy this spectacular bay. I applaud the bipartisan work that went into this bill. The work was done by Senators SPECTER, BIDEN, CARPER, and CASEY, and the lead on this was taken by the Senators from Maryland and the Senators from Virginia.

The last one I will talk about is Captive Primate Safety Act, and why this bill will help address a serious issue. More than 132 people, including 29 children, have been injured by nonhuman primates, and the fact is they should not be pets. One of the statements I read that Senator COBURN made is that this is going to stop the ability of scientists to use these nonhuman primates in science. That is false. That is exempted from this. He also made reference to the fact that we ought to ban them from coming into the country. The fact is that, since 1975, they have been banned from coming into the country. But they are in the country and the fact is there is interstate trade here. It is a real problem.

The CDC has said they have serious concerns about the transmission of communicable diseases here, and they stated:

These animal species have been linked to transmission of certain diseases to humans, and individuals involved in transporting animals are especially at risk for infection.

So even though we have had these concerns and we passed legislation banning their importation, the CDC is still greatly concerned that there is a nonhuman primate pet trade in this country. So, clearly, the statements that have been made on this have been incorrect. Trade or transportation of these animals for zoos is exempt. Scientific research facilities are exempt and certain other regulated entities. Groups like Helping Hands, which provides highly trained and carefully controlled nonhuman primates as helping animals to severely disabled people

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 30 seconds.

Mr. DURBIN. I yield 30 more seconds.

Mrs. BOXER. Last week, I received a letter from the Humane Society highlighting the need for this legislation, and another letter of support from over 25 groups, including Defenders of Wildlife.

I will close with this. When Senator VITTER comes together with me, that is unusual. But we came together on this bill. Senator LIEBERMAN is on board, as are Senators LAUTENBERG, MENENDEZ, and ENSIGN. So you are looking at a bill that has been carefully thought out. I urge strong support for this package.

I yield the floor.

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

Mr. COBURN. Will the Chair advise me when I have used 7 minutes?

The ACTING PRESIDENT pro tempore. Yes, the Chair will do so.

Mr. COBURN. Mr. President, I listened to the majority leader and the distinguished colleague from California. I anticipate what I will hear from the Senator from Illinois.

One of the first observations I had is that we have shut down debate on the Senate today because we came in at 3 o'clock. We have 30 minutes to debate whether on a motion to proceed, we will proceed to spend \$11 billion. We can dispute, if we are going to authorize it, whether we intend to spend it. That is what your press release says, Senator DURBIN; that is what Senator BOXER's says. You intend to spend it. If you don't intend to spend it, then offset it and the authorizations won't make any difference. It is \$10 billion-plus in new spending. It creates 36 new Federal programs, some of which I am for. It puts a ban on the sale of nonhuman primates across State lines. That is probably not a big deal.

We could be spending time on true American energy independence, which has to do with national security. We could spend time on lowering gas prices. We could spend time on eliminating wasteful Washington spending. The statement by the minority leader was that he will offer us a chance to come back to this, but we are going to spend 60 hours on this, 30 hours

postclosure and 30 hours on the other, so we won't ever get back to energy, and he knows that. We will not get back to energy if we take up this bill.

So the question that is before us is—today, the President announced, with our help—and the President cannot spend any money without Congress's help—we will have the highest budget deficit on record in this country—highest ever. It is \$2,900 per man, woman, and child in this country—money we are going to spend that we don't have and that we are charging to your children and grandchildren.

This is a debate about priorities. Nine of the bills in this package I have no objection to. They could have gone through. The majority leader knows that. There are about five of the bills I adamantly oppose. We have 46,800 dog bites a year. That is not business we should be working on now. That is local. So is subhuman primates. If you count the money we are going to steal from Social Security, that is another \$100 billion. We are going to take it and put an IOU in for Social Security.

What is this bill about? This bill is about trying to bust the process here, where we start thinking about the future. We are going to say it doesn't spend any money, that it doesn't have any effect on the budget. We are going to say there is no real cost until it gets appropriated. But the fact is if we authorize another \$10 billion in spending—and I note also in the letter that the majority leader asked to be submitted into the RECORD, if authorized and appropriated, it would spend \$11 billion.

Well, it is unconscionable to me that someone would support a bill that did not work hard to make sure it is appropriated. If you are not going to do that, then you are not true to the very people you are saying you want this bill to take action for. The people supporting this bill have every intention of having the money spent. Let's not kid ourselves. So if the intention is to spend the money, the money is going to get spent. That is how we got to a national debt—that is how we have an \$85 trillion unfunded liability in front of us. It is not wrong to want to try to fix that. It is not wrong to try to address issues. The ALS Registry is something the CDC can already do. As a matter of fact, their own quote on it was that they spend only \$29 million a year on ALS. We are going to spend \$75 million on a registry that doesn't cure anybody. Why don't we spend \$75 million additional on research for ALS? Why don't we spend this \$10 billion at NIH so we cover all of the diseases, where we can make a major impact? No, we want to respond to interest groups and lobbyists, and we want to go home and say we have done something, when we have not done anything except raise costs.

There is \$300 billion worth of waste, without a doubt, every year that occurs—waste, fraud, or duplication in this country. This body doesn't want to offset it.

The majority leader, as well as many of the Members and authors of these other bills, have been offered common-sense offsets to pay for their bills. Just like every family does, when you have something new you want to do and you have a limited budget, what do you do? You make a choice, you decide a priority, and then you decide what you would not do so you can do what you want to do. We don't do that in the Senate. We conveniently charge it to our grandkids. What nobody realizes is this past Saturday, the Senate and the House increased the debt limit by \$800 billion. Most Americans didn't even know that. It was tucked very neatly into the housing bill. We increased the debt limit \$800 billion—\$800 billion more we are going to borrow.

People will say: Senator COBURN, you are for the war, you supported the war. But I did not vote for the appropriations bills for the war, and there is a reason for it. Because we should be paying for it. We should be making the hard choices instead of charging the war to our kids.

This is a debate I am glad we are finally having. Part of me says I would love to get on it, but the most important thing we need to do and the most important thing the Senate needs to be doing is working on energy.

I reserve the remainder of my time.

Mr. WEBB. Mr. President, I rise today in support of the Advancing America's Priorities Act, S. 3297, which contains a provision that would provide much needed funding for the Washington Metropolitan Transit Authority, WMATA.

This provision mirrors the National Capital Transportation Amendments Act of 2007, S. 1446, which I proudly cosponsored with Senators CARDIN, MIKULSKI, and WARNER.

In short, the Metro funding provision would authorize \$1.5 billion over 10 years for Metro to finance capital and preventive maintenance projects for the Metrorail system. The Federal funding would share the funding burden with the States because the money would be contingent on the District of Columbia, Maryland, and Virginia jointly matching the Federal contribution towards Washington Metro's capital projects.

Appropriate funding for the Metro system is critically important to our federal workforce, millions of tourists who visit our Nation's Capital area, as well as the millions of people who live around Washington, DC. I have worked diligently with my Senate and House colleagues for the past 2 years to pass this legislation, and I ask my colleagues to help secure passage of this provision this week.

Metrorail and Metrobus ridership continue to grow as more than 1 million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the National Capital Region. As the price of gasoline has soared, more people are turning to Metro as their primary

mode of transportation. I would note that in fiscal year 2008, 215 million customers rode Metrorail. That is 7 million more customers than in 2007. In fact, 22 out of 25 of Metrorail top ridership days have occurred since April of this year. And 133 million customers rode Metrobus in fiscal year 08, which is the highest yearly total ever, an increase of 1.4 million relative to 2007. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands, before the system and region become totally mired in congestion.

The federal role in supporting Metro is clear, with a long track record to draw upon. Washington Metro began building the rail system in 1969 with Federal funding authorized under the National Capital Transportation Act of 1969. On two separate occasions, Congress has authorized additional funding for Metro construction and capital improvements. According to a 2006 Government Accountability Office report:

WMATA provides transportation to and from work for a substantial portion of the federal workforce, and federal employees' use of WMATA's services is encouraged by General Services Administration guidelines that instruct federal agencies to locate their facilities near mass transit stops whenever possible. WMATA also accommodated increased passenger loads and extends its operating hours during events related to the federal government's presence in Washington, DC, such as presidential inaugurations and funerals, and celebrations and demonstrations on the National Mall.

In fact, during rush hour, Federal employees account for over 40 percent of Metro ridership. The Metro system was also critical to the evacuation of Washington, DC, following the 2001 terrorist attacks. Metro was deemed a "national security asset" in a Federal security assessment conducted after 9/11. In short, the operation of the Federal Government would be nearly impossible without the Metro system and the Federal Government's emergency evacuation and recovery plans rely heavily on Metro.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many benefits not only to the region, but also to the Federal Government and the entire nation. I urge my colleagues to support passage of this bill.

Mr. INOUE. Mr. President, I ask unanimous consent that the following letters be printed in the RECORD relating to S. 3297, the Advancing America's Priorities Act.

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

Hon. HARRY REID,
Senate Majority Leader, U.S. Capitol,
Washington, DC.
Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Capitol,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The undersigned members of the ocean and coastal research, education, and conservation community would like to thank you for your strong support of ocean and coastal science and conservation in the U.S. Senate. We strongly support S. 3297 because it includes a number of important ocean and coastal related bills—Hydrographic Services, Ocean Exploration and Mapping, Integrated Coastal and Ocean Observation System, Ocean Acidification Research and Monitoring Act, and the Sea Grant Reauthorization. Because of the inclusion of these bills, we collectively urge the Senate to pass this important legislation at the earliest available opportunity.

These bills will increase our understanding of coastal, ocean and Great Lake ecosystems and promote both conservation and sustainable use. All of the bills have passed the House of Representatives and have been reported out of the Senate Commerce, Science, and Transportation Committee with bipartisan support.

With more than 50 percent of the U.S. population living in coastal counties, these regions are vital contributors to our economy, quality of life and national security. With an ever-changing climate, increasing natural hazards, and declining fisheries, we need the tools to protect and manage our ocean assets and better understand how ocean and coastal ecosystems respond to natural and human-related hazards.

We hope you will demonstrate your continued commitment to strengthening our Nation's understanding and conservation of the oceans through Senate consideration of these measures.

Sincerely,

National Association of Marine Laboratories, Sea Grant Association, National Federation of Regional Associations for Coastal and Ocean Observing, Reinsurance Association of America, Campaign for Environmental Literacy, League of Conservation Voters, Association of Zoos and Aquariums, University Corporation for Atmospheric Research, Woods Hole Oceanographic Institution, Coastal States Organization, National Association of State Universities and Land Grant Colleges, Maryland Sea Grant.

University of Southern Mississippi, MK & CO, University of Washington, Ocean Initiative, Natural Resources Defense Council, Oceana, Marine Conservation Biology Institute, School of Marine and Atmospheric Sciences, Stony Brook University, North Carolina Sea Grant Program, Florida Sea Grant College Program, USC Sea Grant, New York Sea Grant.

Skidaway Institute of Oceanography, Georgia, Savannah State University, Delaware Sea Grant, Baruch Institute, University of South Carolina, Chesapeake Biological Laboratory, University of Maryland Center for Environmental Science, New Hampshire Sea Grant, University of New Hampshire Marine Program, Annis Water Resources Institute, Grand Valley State University, Michigan, Alaska SeaLife Center, Center for Coastal Studies, Texas A&M University-Corpus Christi, Harte Institute for Gulf of Mexico Studies, Texas, Maine Sea Grant.

Pennsylvania Sea Grant, National Institute for Undersea Science and Tech-

nology, University of Mississippi, Hawaii Sea Grant, Romberg Tiburon Center, San Francisco State University, Michigan Sea Grant, Louisiana Sea Grant, Rhode Island Sea Grant, Woods Hole Sea Grant, Center for Marine and Coastal Sciences, California Polytechnic State University, University of Wisconsin Sea Grant Institute and Water Resources Institute, South Carolina Sea Grant Consortium.

NATIONAL FEDERATION OF REGIONAL ASSOCIATIONS FOR COASTAL AND OCEAN OBSERVING,

JULY 28, 2008.

Hon. HARRY REID,
Senate Majority Leader, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, Russell Senate Office Building, Washington, DC.

Hon. DANIEL INOUE,
Chair, Committee on Commerce, Science and Transportation, Hart Senate Office Building, Washington, DC.

DEAR SENATORS REID, MCCONNELL AND INOUE: We write to express our strong support for S. 3297, "Advancing America's Priorities Act" and urge its quick adoption. The bill contains several ocean and coastal provisions that are needed to provide the nation with the understanding and tools necessary to address issues now facing our oceans and Great Lakes. These include:

Integrated Coastal and Ocean Observation System Act of 2008, Hydrographic Services Improvement Act of 2008, NOAA Undersea Research Program Act of 2008, Ocean and Coastal Mapping Integration Act, National Sea Grant College Program Amendments of 2008, and Federal Ocean Acidification Research and Monitoring Act of 2008.

Together, these legislative acts create a foundation for improving our understanding of our nation's oceans and coasts and how they will respond to changing conditions and for providing information to the variety of citizens who depend on them. As evidenced by the impacts of El Nino events, our oceans affect all citizens. The oceans are inextricably linked to weather and climate and in order to respond to current and future climate change impacts, we must increase our knowledge in this realm.

The National Integrated Ocean Observing System (IOOS) is a vital tool for tracking, predicting, managing, and adapting to changes in our nation's waters. The Senate has passed IOOS legislation twice since 2002 in recognition of the nation's need to provide predictions and forecasts necessary for safe maritime operations, minimize losses from extreme storms, optimize ocean resources and sustain healthy ecosystems.

We thank you for your continued support of ocean and Great Lakes issues and for passage of this important bill.

Sincerely,

MOLLY MCCAMMON,
Chair, National Federation of Regional Associations for Coastal and Ocean Observing, Alaska Ocean Observing System.

JULY 28, 2008

Hon. HARRY REID,
Senate Majority Leader
U.S. Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 95

members of the Consortium for Ocean Leadership, the Joint Ocean Commission Initiative, the 125 members of the National Association of Marine Laboratories and the 31 states that make up the Sea Grant Association, we would like to thank you for your strong support of ocean science and conservation in the U.S. Senate and urge prompt passage of S 3297—Advancing America's Priorities Act. Title V, Subpart B—Oceans of S 3297 contains six vital ocean research, conservation, and education bills:

Part I—Hydrographic Services Improvement Act Amendments of 2008.

Part II—Ocean Exploration.

Part III—Ocean and Coastal Mapping Integration Act.

Part IV—National Sea Grant College Program Amendments Act of 2008.

Part V—Integrated Coastal and Ocean Observation System Act of 2008.

Part VI—Federal Ocean Acidification Research and Monitoring Act of 2008.

These bills are consistent with the extensive analyses and recommendations of the Pew Oceans Commission, the U.S. Commission on Ocean Policy, the President's Ocean Action Plan, and the Administration's Ocean Research Priorities Plan. Collectively these bills will significantly advance our understanding of coastal, ocean and Great Lake ecosystems, climate change, and promote both conservation and sustainable use of our ocean resources. All of the bills have passed the Commerce, Science, and Transportation Committee and the House of Representatives with bipartisan support.

With more than 50 percent of the U.S. population living in coastal counties, these regions are essential contributors to our economy, quality of life, maritime safety, national competitiveness, and national security. With an ever-changing climate, increasing natural hazards, and declining fisheries and reduced water quality, we need the tools to conserve and manage our ocean assets and better understand how ocean and coastal ecosystems respond to natural and human-related hazards.

These provisions would: (1) fuel exploration and inspire future generations of ocean explorers, scientists, marine, and industry leaders; (2) foster the development and integration of ocean observational systems to protect public health through the identification of marine toxins and pollutants in coastal areas; (3) improve prediction of and warnings of tsunamis, hurricanes, El Niño events and other natural hazards; (4) enhance homeland security, support maritime operations and collect important information needed to address global warming, improve ocean health and provide for the protection, sustainable use and enjoyment of ocean resources.

We hope you will demonstrate your continued commitment to strengthening our Nation's understanding and conservation of the oceans through quick passage of S 3297.

Sincerely,

ROBERT B. GAGOSIAN,
*President, Consortium
for Ocean Leadership.*

JAMES D. WATKINS,
*Admiral, U.S. Navy
(Retired), Chairman,
U.S. Commission on
Ocean Policy, Co-
Chair, Joint Ocean
Commission Initiative.*

JAMES SANDERS,
*President, National
Association of Marine
Laboratories.*

LEON E. PANETTA,
*Chair, Pew Oceans
Commission, Co-*

*Chair, Joint Ocean
Commission Initiative.*

PAUL ANDERSON,
*President, Sea Grant
Association.*

THE NATURE CONSERVANCY,
Arlington, VA, July 28, 2008.

Hon. HARRY REID,
*Senate Majority Leader,
U.S. Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,
*Senate Minority Leader,
U.S. Capitol, Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: I write to thank you for including the Oceans subtitle in S. 3297, the Advancing America's Priorities Act. The Nature Conservancy supports the six pieces of oceans legislation included in the Oceans subtitle—Hydrographic Services Improvement Act Amendments of 2008, Ocean Exploration, Ocean and Coastal Mapping Integration Act, Integrated Coastal and Ocean Observation System Act of 2008, National Sea Grant College Program Amendments Act of 2008, and Federal Ocean Acidification Research and Monitoring Act of 2008.

These bills will increase our understanding of and ability to effectively conserve and manage ocean and coastal ecosystems. All have passed the House of Representatives and have been reported out of the Senate Commerce, Science, and Transportation Committee with bipartisan support.

Covering more than 70 percent of the Earth's surface, oceans are some of the most productive yet threatened natural systems in the world. Once considered a limitless and inexhaustible resource, the demands of a growing population are damaging marine ecosystems and depleting ocean and coastal resources. New and innovative approaches are needed to maintain and restore these systems in order to sustain the communities that depend upon them. The bills in the Oceans subtitle of S. 3297 would provide valuable science and information to enable these efforts.

I commend the work of the Senate and the Commerce, Science, and Transportation Committee to pass legislation to improve ocean and coastal science and data. The Nature Conservancy looks forward to continuing to work with the Senate to pass three additional pieces of important ocean and coastal conservation legislation before the end of this session—the Coral Reef Conservation Amendments Act of 2007, the Coastal and Estuarine Land Protection Act, and the Ballast Water Treatment Act of 2007.

I urge you to continue to support ocean and coastal science and conservation and thank you for your consideration of this important legislation.

Sincerely,

LYNNE ZEITLIN HALE,
Director, Global Marine Team.

MR. LEAHY. Mr. President, last week, I joined the majority leader in introducing S. 3297, the Advancing America's Priorities Act. The majority leader selected three dozen legislative items from the jurisdiction of seven Senate committees, including eight Judiciary Committee bills, for this effort. These are all measures with bipartisan support and, we believe, the support of a strong bipartisan majority of the Senate. I have moved several such bills through the Judiciary Committee only to be stymied by objection once on the Senate calendar. All of the Judiciary bills have already passed the House

with overwhelming support. Each of these bills has the support of all Democratic Senators. Each has been stalled on the Senate floor by Republican objection. I hope that all Senators will now join us to support this important effort and finally pass legislation helpful to the American people that should have passed long ago by unanimous consent.

After more than 7 years of failed policies from the Bush administration, the American people are suffering. Americans are feeling the effects of a very real recession which has left them with fewer jobs and record high prices. People are rightly worried about keeping their communities and their children safe from crime as well as terrorism.

Americans are looking to us in Congress to work to solve these vexing problems. We had an opportunity in this Congress to come together across party lines to do the work of the American people. Instead, regrettably some have chosen to obstruct our progress and stand in the way of legislation designed to help hard working Americans.

The Judiciary Committee has worked throughout this Congress to advance the priorities of Americans. We have reported legislation to support local law enforcement to make our cities and towns safe from crime that has now gone back up after consistent declines, to protect our children from exploitation and poverty, to ensure the civil rights and voting rights of Americans, to combat fraud and corruption, and to keep us secure without sacrificing our values.

Many pieces of legislation with broad bipartisan support that we have managed to move through the Judiciary Committee have then stalled on the Senate floor due to obstruction. The majority leader has been forced to resort to extraordinary measures to try to pass these bills, which should have sailed through without opposition. Some of these bills, including several important pieces of legislation that have been reported from the Judiciary Committee this Congress, have been incorporated by the majority leader into the Advancing America's Priorities Act. Congress should promptly pass this important legislation, which will help the American people.

One key bill in this package is the reauthorization of the Runaway and Homeless Youth Act. It is astonishing that in the richest country in the world, millions of our young people face homelessness and the many dangers of life on the streets.

When the Senate Judiciary Committee held a hearing on this issue in April, we heard from Mark Redmond and Michael Hutchins of Spectrum Youth and Family Services in Burlington, VT. They told us how much the act is needed to help young people in Vermont and around the country. Mr. Hutchins had been homeless himself as a young person and saw first hand how the programs this act funds

can help children turn their lives around and give back to their communities.

I also held a hearing in Rutland, VT, this winter on crime in small cities and towns, which emphasized the need for programs to help young people in difficult circumstances. The Runaway and Homeless Youth Act reauthorization will double the funding states like Vermont are guaranteed to receive for programs to benefit runaway and homeless young people. This bill will help our young people, and we should pass it right away.

Another important piece of legislation included in this package is the Emmett Till Unsolved Civil Rights Crime Act, which I have been working with Senator DODD, Congressman LEWIS, and others to pass for years. In 1955, the brutal murder of a 14-year-old African-American teenager named Emmett Till stirred the conscience of our country. Unfortunately, no one has ever been punished for this tragic and brutal murder. Last week, I met Simeon Wright, Emmett Till's cousin, who was with Mr. Till on the horrible night he was kidnapped. We must share Mr. Wright's commitment to fighting for justice after so many years.

The Till bill would help law enforcement to finally track down those whose violent acts during a period of national turmoil remain unpunished. Fifty-three years after Emmett Till's murder, his family and the families of hundreds of other Americans who lost their lives in the fight for equal rights still await justice.

This legislation provides necessary tools for our Federal Government, in cooperation with state and local officials, to vigorously investigate and prosecute these cases. By passing this legislation, we honor Emmett Till and all those who sacrificed their lives advancing civil rights. It is disgraceful that it has taken us so long to take this basic step to honor their memories and pursue justice too long delayed. It is incredible that some continue to obstruct these efforts.

The Advancing America's Priorities Act also includes legislation to help law enforcement cope with mentally ill offenders, and to protect our children from the scourges of drugs, child pornography, and child exploitation.

It seems particularly perverse that legislation meant to protect our children and grandchildren from the dangers of the modern world has become the subject of partisan obstructionism. This legislative package includes the PROTECT Our Children Act, which Senator BIDEN has championed and which would streamline the government's efforts to investigate and prevent the exploitation of children. It also includes two separate measures that strengthen the laws against the despicable practice of child pornography. I have worked hard with many of my colleagues to pass these and other child protection bills, and we should delay no longer passing them

into law. The Effective Child Pornography Prosecution Act passed the House 409-0 last November. The Enhancing the Effective Prosecution of Child Pornography provision passed the House 416-0 last November. The PROTECT Our Children Act passed the House 415-2 last November. The Drug Endangered Children Act passed the House last September 389-4. All of these bills have been cleared by all Democratic Senators, and all are included in the bill being brought before the Senate by the majority leader.

Senator COBURN has now introduced a new bill, S. 3344, which combines several of the pieces of child protection legislation contained in the Advancing America's Priorities Act package and other preexisting legislation. Senator COBURN has prevented many of these same bills from passing for many months. He has chosen not to work with the majority leader on the Advancing America's Priorities Act to secure passage of the many important bills contained within it. He has also chosen not to work with the sponsors, Democratic and Republican, House and Senate, of the child protection bills he has co-opted, and he did not bother to attend a Senate Judiciary subcommittee hearing which squarely addressed one of those bills.

Instead, he has taken these bills, drafted and introduced by other Senators and House members, and without their input or permission, combined them and introduced them as his own legislation. Moreover, he has combined them in a way that appears calculated to attract opposition, and he has included provisions that have not been carefully vetted or considered. Where the majority leader has worked with many others in the Senate and House to collect important bills with bipartisan, bicameral support that can pass into law and increase protection for our children, Senator COBURN instead has appropriated the work of others in Congress in a way that is unfair and bound to fail. That is not legislating. It is more showboating and obstruction. We have had too much of those tactics already.

Sadly, obstruction through Republican holds is just one example of the ways some have chosen to hamper progress on so many issues in this Congress. They have also boycotted meetings to consider legislation, used Senate rules to prevent hearings or cut them short, and filibustered more than 80 times.

Republicans boycotted the most recent business meeting of the Judiciary Committee thereby blocking the committee from obtaining a quorum and considering important legislation. At that meeting, the committee was to consider a bipartisan juvenile justice bill, which reauthorized key programs aimed at making our communities safer and keeping our children out of the criminal justice system; bipartisan legislation to reauthorize the William Wilberforce Trafficking Victims Pro-

tection Act, which would strengthen our efforts to stop the abhorrent practice of human trafficking around the world; and other matters.

They have threatened to boycott again this week. That would prevent action on the Ronald Reagan Centennial Commission, a resolution to honor national historically Black colleges and universities, and other important bipartisan measures.

We have seen all manners of obstructionism since the beginning of this Congress, with a minority of Republican members using filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented Senate majorities from passing the climate change bill; the Employee Free Choice Act; the Lilly Ledbetter Fair Pay Act; the DC Voting Rights Act; the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007; the Renewable Energy and Job Creation Act of 2008; the Medicare Improvements for Patients and Providers Act of 2008; the Consumer-First Energy Act; and the Warm in Winter and Cool in Summer Act, to bring much needed relief to poor families who struggle to heat and cool their homes in a time of soaring gas prices.

These are critical pieces of legislation to address urgent priorities like the energy crisis, the environment, voting rights, health care, and fair wages for working men and women. All of them had a support of the majority of the Senate. And all were blocked by a minority of Republican Senators bent on preventing us from making progress. Republicans have now filibustered more than 80 pieces of legislation in this Congress. More than 80. We can only imagine what we could have accomplished in this Congress with cooperation rather than obstruction.

The list goes on. Republican objection has blocked legislation to ensure that law enforcement officers can obtain bulletproof vests, to strengthen efforts to investigate and prosecute public corruption, to give much needed resources to state and local law enforcement, to break the grip of a cartel on oil prices, to prohibit war profiteering, to train prosecutors, and to teach children to use the internet safely, just to name some of the examples. And those are just examples of legislation reported by the Judiciary Committee that has been obstructed. Last week I made statements delineating a dozen and a half bills in addition to those included by the majority leader in S.3297, the Advancing America's Priorities Act. Other committees have similar lists.

This long list of priorities unaddressed is even longer if we include the many important bills President Bush has vetoed since the beginning of this Congress. This list includes legislation to fund stem cell research

to fight debilitating and deadly diseases, to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children without it, to set a timetable for bringing American troops home from the disastrous war in Iraq, and to ban waterboarding and help restore America as a beacon for the rule of law.

This is not about partisan posturing. The American people are suffering, and it is time for Congress to start working to make their lives better. Time is running short in this Congress. It is past time to end the partisan gamesmanship and idiosyncratic objections and make progress on behalf of the American people. It is time for us to get to work and do what we can to improve the lives of Americans. That is what I have been trying to do throughout this Congress. The majority leader, with the Advancing America's Priorities Act, has given us a chance to take a small but significant step in the right direction. I hope, after 18 months of unnecessary obstruction, all Senators are finally ready to join us in doing the work of the American people.

Mr. WARNER. Mr. President, while I do not believe that the provisions of title VI, subtitle A of S. 3297, corresponding to the National Capital Transportation Amendments Act, constitute a congressionally directed spending item, I certify, out of caution, that neither I nor my immediate family has a pecuniary interest in the aforementioned provisions, consistent with the requirements of paragraph 9 of rule XLIV of the Standing Rules of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The ACTING PRESIDENT pro tempore. There is 6½ minutes remaining.

Mr. DURBIN. How much remains on the Republican side?

The ACTING PRESIDENT pro tempore. There is 7 minutes 54 seconds remaining.

Mr. DURBIN. Mr. President, it is time for this debate. No, this debate is overdue. It is about time the American people understand the choices we are making on the floor of the Senate. Every month this President asks us for \$12 billion to \$15 billion to wage the war. Is it paid for? No. It is added to the deficit. We are told we have to do it; we have to do it, not just for the troops—no one wants to see the troops go without—but because it is our moral responsibility, according to the Bush administration, to rebuild Iraq. We liberated them. We removed their dictator. We have lost over 4,000 of our best and bravest lives and thousands injured. But month after month, the administration tells us we need to spend \$10 billion to \$15 billion on the war in Iraq. The protests from the other side of the aisle are few, if any,

to this President's plan to spend \$12 billion to \$15 billion a month in Iraq.

Now comes this bill. This bill suggests spending money in America. What do we hear? A chorus of complaints from the other side of the aisle that it is wasteful—wasteful—to be spending money in America, projects that are new Federal programs, questioning whether there is wisdom behind them, whether taxpayers' dollars should be spent.

The American people should be the judge. Should we be spending American taxpayers' dollars to establish a national registry for those suffering from Lou Gehrig's disease in the hopes we might learn something that leads to a cure? Obviously, the House of Representatives felt it was. That rolloccall was 411 to 3. But there is objection on the Republican side of the aisle: a new program.

Then there is the Christopher and Dana Reeve Paralysis Act, calling on the National Institutes of Health for paralysis research and rehab activities, a new program, I will admit it. But if it was a member of my family stuck in a wheelchair, quadriplegic, you can bet I would be begging for this bill. How did it do in the House of Representatives? It passed unanimously, but it is held up on the Republican side of the aisle because it is money spent in America for a new program.

Here is another. Stroke Treatment and Ongoing Prevention Act, a bipartisan bill. Senator KENNEDY, fighting brain cancer in Massachusetts, cannot be here to stand and speak for it. I will speak for it. He and Senator COCHRAN, a Republican from Mississippi, believe this is money well spent on stroke treatment in America. It is another new program, and it is here for America. It is opposed by the Republican side of the aisle.

Why? Why do they want to stop these programs that help us here at home? The list goes on and on. Postpartum depression. I joined Congressman BOBBY RUSH in pushing this one when a lady, a few days after giving birth in Chicago, dove out a hospital window, killing herself—suicide. We don't want that to happen. This bill tries to help mothers struggle through postpartum depression.

Vision care for kids—more money to be spent in the United States. It is opposed by those who are putting a hold on these bills.

All these bills overwhelmingly passed the House of Representatives without any bipartisan rancor, until they got over here. Many of the same Senators who have voted for a blank check to send money to Iraq month after month do not want to spend money in America. I think a strong America begins at home. It begins with good health care. It begins when we care about our own people first.

Then there are the Judiciary Committee bills. The Senator from Oklahoma is a member of the Judiciary Committee. Every one of these bills he

had a chance to amend in the committee. Every one of these bills came out of committee by unanimous vote, which would include his vote. Now he is objecting to moving forward on the floor.

He does not want us to pass the Reconnecting Homeless Youth Act to authorize an increase in authorization levels for runaway kids or the Emmett Till Unsolved Civil Rights Crime Act to try to finally bring to justice those guilty of killing a lot of the great people in America who have been victims of civil rights crimes.

The Mentally Ill Offender Treatment and Crime Reduction Act. Mental illness is such an integral part of many criminal acts. We want to do something about it. It passed unanimously out of the committee, but it is money spent in America, and they object to it. They object to this money being spent. Why?

Effective Child Pornography Prosecution Act. Who favors that? No one favors that. Why won't we spend a few dollars to stop it? You know what is going on in the Internet. How did that bill do? It passed the House of Representatives 409 to 0. There were no breakdowns. Democrats and Republicans all agreed we have to stop this scourge, until it came over here and was stopped by the Senator from Oklahoma. I don't understand his thinking on all this. Let me make one thing clear. These are authorization bills. They do not spend money. They authorize us to spend money, but that authorization has to be followed up with actual spending, and we are limited in the total amount we can spend. If we want to put money into these programs, it has to be taken from other programs.

Many of the same Senators who vote month after month to send money to Iraq, many of the same Senators who voted for tax breaks for the wealthiest people in America in the midst of a war, are saying we cannot afford this money for medical research and money to make America safer. That is what this vote is all about.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield 1 minute to Senator DEMINT, Senator SESSIONS, and Senator BURR, in that order.

Mr. DEMINT. Mr. President, I thank the Senator from Oklahoma. I wish to publicly thank him for taking the time to read so many bills and to look at spending and to see if we can do something to curb wasteful spending.

I am disturbed that the Senator from Illinois thinks because we have to spend money in the battle against terror around the world that means we have to spend more at home without looking at real priorities, such as gas prices and dealing with those issues.

I wish to ask the Senator from Oklahoma a question because he has already mentioned it. I saw today that

under the Democratic leadership, even though in their last campaign they were going to be fiscally responsible, I saw in USA Today that we will have the largest deficit in our history next year, and that doesn't even include the \$100 billion we are borrowing from Social Security.

Yet in the middle of this energy debate and how to get gas prices down, I was amazed we were coming back today on bills that were just gathered together—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask for 30 more seconds to finish the question—15 more seconds.

I wish to ask the Senator from Oklahoma, is it not true that all these bills were attempted to pass without any debate and without any vote and that the Senator from Oklahoma was asking questions and asking for some kind of openness on the floor? Instead of giving the Senator that, they balled them all up together?

Mr. COBURN. Mr. President, the answer to that question is everyone who has a bill in this, outside the nine that have never been hotlined or approved in the past, every one has been offered amendments to offset spending out of the duplication of waste that is already going on.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, in Senator COBURN, we have one of the smartest Members of this Senate and I believe the hardest working. There is no one more principled. It is perfectly all right in this body to object to a bill if it has some impact on your special interest in your State, but when a Senator such as Senator COBURN stands and objects to a piece of legislation because it is bad policy or impacts our national debt, that is not considered appropriate around here.

He has the quaint idea that you should actually read the bill. He and his staff read hundreds of bills. They let them go if they think they are OK. They object to the particular parts they think are bad. They ask for amendments to improve those bills. And then when asked, if they do not accept Senator COBURN's suggestion, he simply says bring up the bill and let me offer my amendment. That is not good enough. They want unanimous consent to run hundreds of bills through in the dead of night, without anybody looking at them, and I am glad one person has the courage and the integrity and the spine to stand and object. He is the one who is for good Government, in my view, and not the crowd who wants to run things through without full debate.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Mr. President, let me, in full disclosure, say I am supportive of some of these bills. I am actually a co-sponsor of some of these bills. But let

me tell my colleagues what we are asked to do today.

A vote for this cloture motion would be a vote to stop consideration of energy legislation. A vote for this initiative would be a vote to stop considering lower gas prices. A vote for this cloture motion would be a vote to muzzle—muzzle—a Member of the Senate. If that happened, it would also be a vote to muzzle the American people.

It is absolutely essential that this body get back on the debate on energy, where real solutions are presented in the form of amendments and we can address the most important issue to the American people and that is the price of gasoline and an energy policy that is desperately needed in this country.

I yield the floor.

Mr. COBURN. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 3 minutes remaining.

Mr. COBURN. And for Senator DURBIN?

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 31 seconds.

Mr. COBURN. Let me ask that again. The time remaining for me is 31 seconds?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma now has 2 minutes 45 seconds. The Senator from Illinois has 31 seconds.

Mr. COBURN. Mr. President, I will finish and end. First of all, the actual facts are that we are spending in Iraq \$8 billion a month. It is not \$10 billion to \$15 billion; it is \$8 billion.

No. 2, I am not holding four of the eight Judiciary bills in this bill. As a matter of fact, I already agreed to three of them by unanimous consent, and they have gone through this body already. We can play with the facts all we want. The fact is, what is the priority for the American people? I wish to help people who are paralyzed. I have been a supporter of the Emmett Till bill. I think we ought to pay for it. We spent \$396 million for conferences in the Justice Department for the last 5 years. Why would we not take some of that money and pay for it? No, that is hard work. We would not do the oversight. We would not get rid of the wasteful spending. What we will do is pass new spending. That is what has to change.

What my colleagues want to do I am not necessarily objecting to. What I am objecting to is how they want to do it. I am objecting to doing something in the name of good today that undermines the name of good tomorrow, which is the future availability and potential for the children who come our way.

We can have disputes about the war. I have not voted to fund the war, not once. What I have voted for is transparency and elimination of waste, and I brought up amendments. The sponsors of this bill, every one of them voted for the bridge to nowhere; every

one of them voted for the Hippy Museum in New York instead of the Child Health Program. Every one of them voted to, in fact, vote for sidewalk and bike trails instead of fixing the falling down bridges in this country.

The question is, When will we have people who will vote for the future? It is easy to spend money up here. It is very easy to do. And because we are on different sides of the debate doesn't mean those who want to do this are wrong. What is wrong is, in fact, creating a situation where we are going to charge it to our children.

There are options. Senator REID was offered a list of amendments to offset at the Justice Department for the Emmett Till bill, and so was Senator DODD. They refused to even consider offsetting any wasteful spending.

The PRESIDING OFFICER (Mr. CARDIN). The Senator's time has expired.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, we are not leaving the Energy bill. Senator REID, the Democratic leader, offered the Republicans to return to that bill immediately. This isn't going to take 60 hours, unless the Republican side decides to drag it out forever. It doesn't have to. It can take a much shorter period of time.

The bottom line is still this: Are we ready to spend money here in America to solve some of our own problems or are we going to keep shipping this money overseas to rebuild an Iraqi economy that already has more oil than most nations on Earth? Why don't we spend money here for medical research, making it safer for our kids to go on the Internet, or trying to find runaway children?

I think investments in America make us stronger, and that is what this vote will be all about. Those who make the argument to vote against it are voting against investment in America.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have offered a consent request to keep the Energy bill pending regardless if the Senate adopted a motion to proceed to S. 3297, the so-called Coburn package. I made this request so the speculation bill would not be displaced by the Senate acting on S. 3297, the Energy bill.

To clarify for those listening, an objection was raised to my request to keep the Energy bill as the pending business. Anyone voting against this because of not being able to stay on Energy is mistaken or—well, I won't use the word. That is good enough.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and 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 Calendar No. 894, S. 3297, the Advancing America's Priorities Act.

Harry Reid, Jon Tester, Carl Levin, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Kent Conrad, Bernard Sanders, Patty Murray, Debbie Stabenow, Ron Wyden, Patrick J. Leahy, Max Baucus, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent if my friends on the other side would waive the live quorum so we could save the Senate 20 minutes of time.

Mr. COBURN. I am told by the staff that we cannot waive that.

Mr. REID. You mean you don't want to. So let's go at it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Leg.]

Boxer	Coburn	Kyl
Bunning	DeMint	Reid
Burr	Durbin	Roberts
Cardin	Gregg	Webb

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), 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 Colorado (Mr. ALLARD), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), the Senator from New Hampshire (Mr. SUNUNU), and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 87, nays 3, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—87

Akaka	Byrd	Cornyn
Alexander	Cantwell	Craig
Barrasso	Cardin	Crapo
Baucus	Carper	DeMint
Bayh	Casey	Dodd
Biden	Chambliss	Domenici
Bingaman	Clinton	Dorgan
Bond	Coburn	Durbin
Boxer	Cochran	Enzi
Brown	Coleman	Feingold
Brownback	Collins	Feinstein
Bunning	Conrad	Graham
Burr	Corker	Grassley

Gregg	Lincoln	Salazar
Harkin	Lugar	Sanders
Hatch	Martinez	Schumer
Hutchison	McCaskill	Sessions
Inhofe	McConnell	Shelby
Isakson	Menendez	Smith
Johnson	Mikulski	Snowe
Kerry	Murkowski	Stabenow
Klobuchar	Murray	Stevens
Kohl	Nelson (FL)	Tester
Kyl	Nelson (NE)	Thune
Landrieu	Pryor	Warner
Lautenberg	Reed	Webb
Leahy	Reid	Whitehouse
Levin	Roberts	Wicker
Lieberman	Rockefeller	Wyden

NAYS—3

Bennett	Specter	Vitter
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NOT VOTING—10

Allard	Inouye	Sununu
Dole	Kennedy	Voinovich
Ensign	McCain	
Hagel	Obama	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

Mr. REID. Mr. President, I will use leader time.

The next matter is the Coburn package. It does not cost a penny. It is all authorization, dealing with some of the most sensitive issues in this country; for example, the Lou Gehrig's disease. It establishes a registry. Scientists say we cannot make any progress on that dread disease until a registry is established so scientists can take a look at what is going on in Oregon, Florida, Connecticut, and have a registry to go to work on this. That is only one.

It deals with child pornography. It deals with paralysis. It deals with strokes. This is an important piece of legislation. I say to all my friends on the other side of the aisle, I have offered a consent agreement that this will not take us off oil, off energy. That was objected to this morning.

You cannot vote against this legislation because it would take us off energy. You cannot vote against it because it will run up the debt because that is simply untrue.

I hope people will vote for this package. I say to everyone over here, this is it. Everyone knows how little time we have left to accomplish everything we need to do. You can all go home and explain to your constituents, if you vote against this legislation, how you refused to move forward on some of the most sensitive issues that are in our legislative portfolio in Congress today. We will not be able to take these matters up at a later time, and we will have to wait until a new Congress. In the meantime there will be much suffering and mental distress as a result of not moving forward on these matters.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I am going to take a minute or so of my leader time.

The issue before us, I say to my colleagues, is whether we are going to stay on the Energy bill. I have some optimism based on a conversation I had with the majority leader on the Senate

floor earlier this afternoon that we might be able to come up with an agreement to go forward. This is not the time to go off of the No. 1 issue in this country. On every poll you have seen the American people expect us to deal with the energy problem and to deal with it now.

With all due respect to any other matters that might be pending that all of us have an interest in, the question is, what is the most important thing to do in the Senate this week, right now, and it is to stay on energy.

I would urge my friends on this side to oppose cloture. We will get back to this issue later. Let's stay on energy, finish the job, and deal with the No. 1 issue before the American people.

Mr. REID. Mr. President, as I said earlier, folks, there will not be another time. This is it.

UNANIMOUS CONSENT REQUEST—S. 3268

I ask unanimous consent that S. 3268, the speculation energy bill, that they all want to stay on, remain the pending business notwithstanding the adoption of the motion to proceed to a nonprivileged item, namely the Coburn package.

How much more clear could we be?

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I will be constrained to object because, as a practical matter, if we move to that issue, we will be off of the subject indefinitely because of concerns over here about this particular measure. We will be on it indefinitely. We will probably never get back to the No. 1 issue that is before us. So under these particular circumstances, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. We would be off this as long as it would take to adopt the motion to proceed, which would take 15 minutes for the vote. Then we could move immediately to the bill. We could do that immediately. We could finish it quickly. The only effort that my friend, the distinguished junior Senator from Oklahoma, wants is to throw a monkey wrench into proceedings around here. That is what this is all about.

I do not know why people on the other side of the aisle would join in this. You go home and explain to your constituents about Lou Gehrig's disease. You go home and explain about the stroke legislation. You go home and explain to your folks about the Emmitt Till legislation. You go home and explain to everyone there about the paralysis bill.

Next time you see someone in a wheelchair at home, explain to them how you voted against moving forward on something that may get them out of that wheelchair.

Mr. MCCONNELL. Mr. President, I am confident—I see my friend from Oklahoma on the Senate floor. Maybe he would like to ask me a question.

Mr. CORNYN. If I might through the Chair, under the rules of the Senate, I

would be entitled to 30 hours of debate postcloture on the motion to proceed.

Mr. MCCONNELL. That is my understanding.

Mr. COBURN. Should we go past that to a cloture motion, I would be entitled to 30 hours of debate. If you add these, 60 hours of debate, unless we debate all night long every night, would that, in fact, take us past the time, the expected time of adjournment?

Mr. MCCONNELL. Reclaiming my time, I think the answer to my friend's question is, that is where we would be. Thus my observation that if we want to deal with the No. 1 issue in the country in the last week we are expected to be here, the appropriate thing to do is to stay on the subject.

Obviously, my friend from Oklahoma feels very strongly about this matter. He and the majority leader are likely to have this exchange again sometime down the road. The question for all of us is, what is the most essential thing to do for America right now?

The American people are asking us to do something about the price of gas at the pump. The way to do that is to stay on that subject at this particular moment, and the way to do that is to vote against cloture on getting off the subject and going to something else.

Mr. REID. With all due respect to my doctor friend from Oklahoma, his math is not very good. The 30 hours, if he would want to take the 30 hours, which appears to be a little outlandish—but that would not be the first go-round we have had with outlandish stuff around here—that would run out sometime tomorrow. The cloture vote would be sometime on Thursday.

No one says we have to leave on Friday. No one says we have to leave until we complete our work. So I would say to my friends, do not take the bait.

First of all, we would be on energy. The Senator from Oklahoma can stall this out, and we know he is entitled to 30 hours after today and 30 hours when we invoke cloture on the bill itself because cloture would be invoked on it if people had a right to vote on that.

But do not take that bait. I say to everyone here, you go home and explain to someone, like I did, like I am going to have to do—Cathy Barrett from Sparks, NV, has Lou Gehrig's disease. She is going to die. The average time from finding out you have the disease until you die is 18 months. Go home and explain to her and her family. And there are 6,000 new cases every year. Lou Gehrig's disease, that is what it is all about.

As I said before, you go and see someone in a wheelchair, and you tell them: I had the chance to do something about that, but I decided we would wait until next year. A year is not so important. You are only in a wheelchair for a limited period of time—perhaps your life.

I think you should also go home and explain to every parent who is concerned about Internet pornography—people who thrive on doing things on the Internet to be in the position to abuse children, that is in this bill too.

I think we should be concerned about an issue that every time you go home—and most everywhere in America has an African-American community. You see someone in that African-American community, you tell them: I did not vote for the Emmitt Till legislation. It was not important enough because I had other things I wanted to do.

So every time you go back to your constituents, African-American constituents, wherever it may be in this country, you tell them: I wanted to get out of Washington; I did not have time to do that.

Mr. MCCONNELL. Mr. President, the majority leader just made a very strong argument for why this issue he is talking about should not be put off until next year. But the issue before us now is what to do immediately. We have been on the issue of energy for a week. It is time to stay on it and finish the job.

The majority leader, not the minority, determines what the schedule is. If the so-called Coburn bill is so important, I am sure the majority leader will turn back to it soon. But the issue is staying on the No. 1 concern in the country now and finishing the job. The majority leader, who controls the schedule, has it perfectly within his power not to delay this bill until later. In fact, this bill could have been done sooner than now—sooner than now. The issue today is whether we stay on the No. 1 issue in the country and finish the job. I recommend that we do that.

Mr. REID. Mr. President, I hope the RECORD does not show a grin on my face because there is not one. But I think the statement just made by the Republican leader: I could have gone to this earlier had I wanted to—we have had 90 filibusters, breaking all previous records, breaking all previous records of a Congress from the time we were a country until today. I could have moved to it earlier?

For the last 18 months since we have been in the majority, which I know has caused the Republicans to be in a snit, we have had to file cloture on virtually everything to work around procedural hurdles. So this is all part of the game. And I am disappointed that my Republican colleagues are buying the line of big oil.

We have offered, on many occasions, a vote on their drilling amendment. We did it again earlier today. I hope we can work something out on it. But please do not use that as an excuse to vote against these packages.

I say, and I repeat again, for the 34 different reasons—the 34 different bills in this package being held up for no good reason—it does not affect the debt at all. We have in the RECORD a letter from the head of the Congressional Budget Office that says it has no bearing on the deficit.

I would hope that because of our African-American communities, people who have Lou Gehrig's disease, people who are paralyzed, people who are con-

cerned about pornography, you will vote for this.

Now, my friend casually says: Well, the Democratic leader will move to this some other time.

There are very few other times left in this Congress. We are going to get out of here in the next week or 10 days, I hope. We then come back in September where we have a few—literally, a few days. There is very little time. So as it happened with LIHEAP, you folks walked right off the cliff last week. You are going to have to go home and explain to the poor, the disabled, and the old people why you voted against LIHEAP because I do not know when we are going to be able to move to it again. I would like to, but I do not know when we can do that again.

I ask for a vote now.

Mr. MCCONNELL. Let me say briefly, my good friend is making a campaign speech about who is going to pay a price for this or that or the other. I do not think the American people are particularly interested in that.

What we know they are interested in, all the surveys indicate what they are interested in, is seeing the Congress work together to do something important about the No. 1 issue in the country, and that is the price of gas at the pump.

We have a chance, if we stay on the subject—I am optimistic that we are going to have some amendments that are agreeable to both sides. We can move forward. The majority leader, who is in charge of the schedule, can get us back on any subject he chooses at any time of his choosing. So I would hope our colleagues would vote to stay on the subject of lowering the price of gas at the pump for the American people.

Mr. REID. Every Senator, all 100 of us, are experienced politicians. And for the Republican leader to say there is no price to be paid for what they have been doing: not allowing LIHEAP to go forward, and now, in effect, killing 34 different bills that should have passed like that you do not think there is a price to be paid for it come November 4? The American people will decide that.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate to proceed to S. 3297, a bill to Advance America's Priorities, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that 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 Colorado (Mr. ALLARD), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr.

MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

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

The yeas and nays resulted—yeas 52, nays 40, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—52

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

NAYS—40

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bennett	Domenici	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
COBURN	Hutchison	Thune
Cochran	Inhofe	Vitter
Collins	Isakson	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Craig	Martinez	

NOT VOTING—8

Allard	Hagel	Obama
Dole	Kennedy	Sununu
Ensign	McCain	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in affirmative, the motion is rejected.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

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

Mr. REID. Mr. President, I apologize to everyone for the quorum lasting for so long, but there are certain things I have trouble getting to. Sometimes I need a little downtime to meet with staff, and there are a number of times I don't have an opportunity to do that, and meet with a number of Senators. So I apologize to everyone for not allowing the quorum to be called off. I do that very rarely, but I thought it was appropriate today.

I have a number of things I want to do and I will do that now.

Mr. President, I withdraw the motion to proceed to S. 3297.

The PRESIDING OFFICER. The motion is withdrawn.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 434, S. 2035, the Free Flow of Information Act—this is the media shield bill—and I send a cloture motion to the desk. In fact, it is at the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Calendar No. 434, S. 2035, the Free Flow of Information Act.

Harry Reid, Charles E. Schumer, Debbie Stabenow, Christopher J. Dodd, Maria Cantwell, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Bernard Sanders, Robert Menendez, Patty Murray, Barbara Boxer, Ron Wyden, Ken Salazar, Bill Nelson, Daniel K. Inouye, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 898, S. 3335, the energy extenders package, and I ask that the clerk report the cloture motion at the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 898, S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

Harry Reid, Max Baucus, Bernard Sanders, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Patty Murray, Ron Wyden, Debbie Stabenow, Patrick J. Leahy, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown, Carl Levin.

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

Mr. REID. Mr. President, the junior Senator from Oklahoma has a matter he wishes to bring before the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I thank the majority leader for the time.

Mr. President, in the bills we did not agree to go to, I have worked with Senator BIDEN on the child exploitation alternative bill, which would protect our children from pornography and Internet exploitation. That bill is at the desk and has been filed.

After working with Senator BIDEN, adding the SAFE Act, which is an act that would decrease the amount of graphic and vile images of child pornography currently available on the Internet and help root out people selling, trading, and displaying images, and by expanding the requirements for the Internet service providers to report on online child pornography, which is a bipartisan bill as well, as were two of these components I never held in the bill, I ask unanimous consent that we call up and pass that bill, as amended, with the concurrence of the majority leader.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, what we have here is one of the most blatant attempts to get a cover for a vote the Republicans can't justify. The Republicans just voted against the bill that had these child pornography and child exploitation provisions in it. A few minutes ago, we had a cloture vote on the motion to begin debate on that bill. The Republicans overwhelmingly voted against it. We got three Republicans to vote for it, each of those running for reelection.

Because they feel bad about siding with big oil over important American priorities, they now want to have it both ways. Here is who they voted against: They voted against Americans with Lou Gehrig disease, they voted against American mothers who suffer from postpartum depression, they voted against justice for people murdered during the civil rights struggle, they voted against expanding programs to keep kids off drugs, they voted against Americans who want to be sure kids are safe when they visit America's beaches and swim in the oceans, and a bill including numerous other important provisions—dealing with strokes, with paralysis. If a Member of my party, a Member of my caucus forced me to vote against so many important priorities based on specious and misleading arguments, I would want a way out too.

So what we have here is a consent agreement, a consent request, I should say, that is about providing cover, not about trying to enact this legislation. To bring up Senator BIDEN's name is, at the very least, unfair, disingenuous. Senator COBURN didn't even bother to talk to the offices whose bills are cobbled together in his unanimous consent request. And in fact he didn't even bother to attend a hearing on this issue the Judiciary Committee held in April.

And because this is about cover and not trying to enact legislation, the bills in this unanimous consent request are not identical to the provisions in the bill they voted against.

So keep in mind what my friend from Oklahoma has tried to do. First, he got his Republican Senators to walk over the cliff, and they are already down there fumbling around trying to find some way to breathe, because it is the water down there, and deep. Now he is saying this package of 34 bills we have—he is taking parts of that out and changing those, not accepting what is in the bill.

Mr. COBURN. Is it my understanding there is an objection to the unanimous consent?

Mr. REID. Yes, I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. When we complied with the provisions in S. 3297, we cleared the language with the House. We wanted to be sure that once we passed that bill, the Coburn package, the House would pass a bill instantaneously. But this unanimous consent uses different language, as I have explained to the Chair and those within the sound of my voice.

It is ironic. Last week, my friend from Oklahoma held a press conference railing against passing bills that no one has seen or had a chance to vet. This is what he is trying to do now—what he held a press conference against last week. So I must object, as I have done, to this consent request.

UNANIMOUS CONSENT REQUEST—S. 3297

Mr. REID. I do, however, offer a unanimous consent request that, if accepted, I know would lead to enactment of this important legislation. Not only that, it would deal with child pornography, and it would deal with 33 other issues, all of which are extremely vital and important.

I ask unanimous consent that the Senate proceed to S. 3297, the Advancing America's Priorities Act; that the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

Mr. SPECTER. Objection.

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I again say that Republicans should be grateful, because we certainly agree, but they should all be very grateful that Senator KENNEDY got out of his sickbed, flew down here against doctors' instructions, came onto the Senate floor against doctors' instructions—because his immune system is very low and he shouldn't have been here—to save Medicare, and a number of Republicans, because they were at the cliff on that one also. But for Senator KENNEDY, they would have voted against that and destroyed Medicare.

Mr. COBURN. Parliamentary inquiry, Mr. President.

Mr. REID. So Republicans refused to allow us to debate and vote on speculation, on—

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. COBURN. Mr. President, was I not recognized to offer two unanimous consent requests, and that the floor was actually mine, other than the objection to the unanimous consent request?

Mr. REID. Mr. President, the Senator was recognized to offer a unanimous consent request. I objected to that and I have the floor.

The PRESIDING OFFICER. The Senator from Oklahoma was recognized in his own right and does maintain the floor.

Mr. COBURN. I thank the Chair.

Mr. REID. I apologize to the Chair and to Senator COBURN.

Mr. COBURN. Mr. President, I would make the point—I understand the majority leader's concern with my actions. My actions are not of impure motives, nor are my attempts to embarrass anyone. But the fact is, we could pass these bills if we weren't struggling with politics. The fact is, if we wanted to do something about it—and I believe many of the Members of this body do—we can continue the game of reducing minority rights or we can truly work to try to work out the problems on the bills. That is what the attempt was. I will not go any further with that.

I will take this time to ask unanimous consent for another agreement—the Emmett Till bill, which I offered multiple times; multiple potential amendments to solve this problem. I met with Mr. Sykes, who is leading this effort. I agree with the purposes of the bill. I have always agreed with the purposes of the bill, and I objected because the Justice Department spent over \$400 million in the last 7 years on conferences, and the Justice Department says they can do what we want done for about a third of the amount of the money. So I am willing to offer a way to pass the Emmett Till bill tonight on the floor, a way that allows the Justice Department to take funds from within their other funds and pay for the costs of this bill, which will be about a third less than what we would have authorized, and that will happen in spite of the fact that we do not plan to offer any appropriations bills this year.

The Emmett Till bill could become law and be in effect at the level at which we would all want it by agreeing to the following unanimous consent request, the bill I filed, and I ask unanimous consent it be adopted and passed.

Mr. REID. Mr. President, reserving the right to object, we are at the same place we were just a few minutes ago. This, of course, is not a genuine effort to resolve the issues. This is a genuine effort to obfuscate what we are trying to do here on the floor.

The Emmett Till bill here—in fact, one of the people who were with him

the night he was murdered was up in the gallery today. We worked very hard to get this legislation passed. Now my friend from Oklahoma wants to change what the agreement was, that was reported—what passed the House almost unanimously and was reported out of the committee almost unanimously.

This again is a blatant attempt to get a cover vote for a vote the Republicans cannot justify. They just voted against a bill that had the Emmett Till language in it. It had the child pornography language in it. I repeat, because they feel bad about siding with big oil over important American priorities, they now want to have it both ways.

As I said a little while ago, they voted against Americans with Lou Gehrig's disease, they voted against American mothers who suffer postpartum depression. My friend from the State of Illinois—

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I make the note that what we have is the majority leader saying I want cover. I don't cover for anything, I say to the majority leader. I have been out front opposing these bills from the start because they were not paid for or they were not good policy. To claim that my effort to pass this legislation now in a way that both saves money for the next few generations and also will accomplish the very goal that he says he wants to accomplish—that has nothing to do with feeling guilty. I think it is a great victory for the American people today that we did not spend \$11 billion and get on a bill that would spend it.

I understand there is a permanent disagreement, both on how we have done this and also on the policy questions, but the fact is, if we want to solve unsolved civil rights violations, the way to do it is this. The way not to do it is to say: We are not going to do it, we are not going to work with you, we are not going to change it.

The whole purpose of not agreeing to the unanimous consent request on the bill in the first place was there is so much waste in the Justice Department. It would be my recommendation that maybe after a few days we take another look at that, and I will work with the authors of the bill in a good-faith effort to try to make both those bills capable of being passed. I know many on your side would like to get the legislation done no matter what.

This is no attempt to cover for anybody. I have too many holds to try to cover for anything.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. COBURN. I will yield to the Senator from Alabama.

Mr. SESSIONS. Senator COBURN, with regard to the Emmett Till bill, you have been open about your objection. This is not a secret hold, is it?

Mr. COBURN. Absolutely not.

Mr. SESSIONS. You worked on it. You spent a lot of your time. You talked to the Department of Justice, you studied the bill, you studied the language in it. You have a sincere concern about the way it was originally written; is that right?

Mr. COBURN. I have a concern with the money authorized in this bill that will be wasted and appropriated when we have not taken care of a large amount of the waste in the Justice Department.

Mr. SESSIONS. In fact, you talked to the Justice Department about it, I believe; is that correct?

Mr. COBURN. I have.

Mr. SESSIONS. You spent a lot of hours of your personal time trying to make this legislation better. Have they told you they needed as much money as the bill originally authorized?

Mr. COBURN. They said they needed one-third of what the bill authorized.

Mr. SESSIONS. The Department of Justice said they can meet the goal with one-third less money than the bill has in it?

Mr. COBURN. That is correct.

Mr. SESSIONS. And you are willing to accept that amount?

Mr. COBURN. And have it paid for out of wasted funds at the Justice Department.

Mr. SESSIONS. I don't think that is an unreasonable position, I would say to my friend the majority leader. I think that is good work, what a good Senator should do. They should ask questions.

You served on the Judiciary Committee, so you were engaged with that discussion when it first came up?

Mr. COBURN. I first raised reservations on this bill when it first came up.

Mr. SESSIONS. On the Child Protection Act, the goal of that was—I served on that subcommittee—the goal of that was to create task forces around the country to exploit computer technology to identify pedophiles and child molesters, a goal which I support and I think you support. But the amount of money just seemed to be drawn out of thin air, one-point-something billion dollars; is that correct?

Mr. COBURN. That is correct. The bill as offered brought that number down to \$360-some million, which was never offered to me but was in the bill as it came to the floor.

Mr. SESSIONS. OK. When it came out of the subcommittee, as I recall—and I talked to the chairman of the subcommittee, Senator BIDEN, at length, and our staff talked, and we asked him to bring the amount down.

I served 15 years in the Department of Justice. I know the Presiding Officer was a U.S. attorney also. I know something about how task forces work. We didn't need \$1.2 billion. I tried to get that down.

I was placed in an uncomfortable position to either vote for a bill that I supported in general or insist that the number, the amount of funding, be re-

duced to a reasonable level. Sometimes you wonder, maybe they want to put you in that position. I voted against the bill in committee.

After you raised an objection and placed a hold on it or made clear your objection, the bill has been reduced in amount?

Mr. COBURN. Yes, it has, by three-quarters.

Mr. SPECTER. Will the Senator from Oklahoma yield to me?

Mr. COBURN. I will.

Mr. SPECTER. I have waited more than an hour to speak while the quorum call was on, and we couldn't get the quorum call taken off.

With all due respect, the real issue, which is on the floor now, is not the amounts of these dollars or the virtue of all of the bills you are blocking, but the real issue is whether—

Mr. REID. Is there a question the Senator has for the Senator from Oklahoma?

Mr. SPECTER. The Senator from Alabama spoke at some length without any objection being offered.

I will pose a question to you, Senator COBURN, since the majority leader wants to find some way to stop me from speaking. He didn't stop Senator SESSIONS from speaking. My question to you, Senator—

Mr. REID. Is there a question the Senator from Pennsylvania has?

Mr. SPECTER. My question to you, Senator COBURN—

The PRESIDING OFFICER. Will the Senator from Pennsylvania use his microphone.

Senators may yield the floor for a question.

Mr. SPECTER. The question to the Senator from Oklahoma: Isn't the real issue behind the cloture vote an effort to dislodge the pending legislation on the oil speculation bill? Is it the substance of the legislation which you have opposed and blocked, most of which if not all of which I agree with. But isn't the real point as to what the Senator from Nevada is seeking to do here is to find some way to get off the oil speculators bill?

Mr. COBURN. I thank the Senator from Pennsylvania for his question. I think you accurately assessed it. The fact is, this country has an energy crisis. We have chosen not to address American resources for that. We have chosen to do anything but that, and that is why we have seen bill after bill forcing political votes rather than solving the real problem Americans want the Senate to address, which is how do we stop sending \$700 billion of our treasure out of this country every year, knowing we are going to be on carbon-based energy for at least the next 20 to 30 years, and how do we use American resources.

You are absolutely right. That is the real question. That is what we should be about. That is why Republicans stood and said the thing the American people are interested in is us addressing the issues that are impacting them

directly today, the \$2,400 per family, trying to get to work or get to school.

The question the Senator asked is absolutely right. The real question is energy and trying to take us off energy and run out the clock and not deal with this before we go on summer break.

Mr. SPECTER. My next question to the Senator from Oklahoma is, when the Senator from Nevada rejects the traditional standing of Senators to offer an amendment to any bill at any time—until the past 15 years, majority leaders, both Democrats and Republicans, have adopted this filling the tree to preclude amendments, and the Senator from Nevada says there is insufficient time to take up the amendments. Isn't it true that if the Senate and the House stayed in session during the month of August and did not take the recess, we could take up any number of amendments to give Senators the traditional rights, which had been enjoyed until 1993, when both Democratic and Republican majority leaders have stymied the process by this process of filling the tree?

Mr. COBURN. I think the Senator makes a good point. The answer to that is yes. As a matter of fact, we would have been halfway through this bill had cloture not been filed when it was introduced at the same time, as we just saw on the bills this evening. A bill is introduced, cloture is filed at the moment of introduction, as it was with the Advancing America's Priorities or, as I call it, the Grow Government and Spend More of Your Grandkids' Money bill, the point being we could have already accomplished half of what this country needs had we had an open amendment process that was germane to the energy needs of this country.

Mr. SPECTER. My next question to the Senator from Oklahoma is whether Senator REID was correct when he spoke, on February 28, 2006, as noted in the CONGRESSIONAL RECORD on the Patriot Act Reauthorization:

I am disappointed that he—

Referring to a Senator who wanted to offer an amendment—

has been denied that opportunity by a procedural maneuver known as "filling the tree." This is a very bad practice. It runs against the basic rule of the Senate. The hallmark of the Senate is free speech and open debate.

Was the Senator from Nevada correct when he decried and criticized this business of filling the tree to preclude the offering of amendments?

Mr. COBURN. I answer the Senator from Pennsylvania by saying yes, he was. No majority leader should fill the tree, Republican or Democrat. It goes against the best traditions of the Senate. It goes against the tradition of full debate and full amendment.

Our energy problems could be solved tomorrow as far as this bill. We could ask a unanimous consent to withdraw the amendments filling the tree. If we had unanimous consent to do that, we could have open amendments with the provision there would only be germane amendments to the energy needs of

this country. We could do that, but we have moved from debate about what is in the best interests of this country to what is in the best interests of the next political election. That is what this debate is about. It is not about energy. It is not about what is in the best interests of the next two generations. It is not what is in the best interests of the Nation from a national security standpoint or energy security standpoint. It is about what is best for the next election.

We need to get away from that. Regrettably, Republican leaders have used it but never to the extent of 15 times has it ever—it has not been used 15 times in total until the present leader has exercised it 15 times. He has cut off debate and all amendments.

Mr. SPECTER. Is the Senator from Oklahoma aware that I have stated for the record my reason for opposing cloture on the oil speculators bill was not that I did not agree with the underlying approach of legislation to deal with the high prices of oil and the high prices of gas at the pump, but I voted against cloture on that bill, opposed putting the majority leader in a position to move for final passage because I had amendments I wished to offer.

Was the Senator from Oklahoma aware that I have been pressing to get an amendment, along with Senator KOHL, a bipartisan amendment, to bring OPEC nations under the anti-trust laws so they could not meet in a room, lower production, lower supply, and thereby raise the price of oil in the international market?

Mr. COBURN. I was not aware of that.

Mr. SPECTER. Is the Senator from Oklahoma aware that I am the principal author of the legislation to provide for the reporter shield, along with Senator SCHUMER and Senator LUGAR?

Mr. COBURN. I am.

Mr. SPECTER. Is the Senator from Oklahoma aware that if that issue goes through the process of the tree filling and cloture is invoked, that legislation will displace the oil speculators bill?

Mr. COBURN. I am aware of that.

Mr. SPECTER. Is the Senator from Oklahoma aware of the detailed effort I made on the legislation involving global warming coming to the floor several times during the week of June 2, listing a number of amendments which I sought to offer, essentially from the Bingaman-Specter bill, and that I was precluded from offering those amendments because the Senator from Nevada filled the tree?

Mr. COBURN. I was.

Mr. SPECTER. Was the Senator from Oklahoma aware of the fact that I voted against cloture on the global warming bill, notwithstanding the fact that I think that is an issue that has to be addressed and worked for more than a year with Senator BINGAMAN, producing the Bingaman-Specter bill, but voted against cloture to advance the bill because I and others wanted to offer amendments to the global warming bill?

Mr. COBURN. I am.

Mr. SPECTER. Was the Senator from Oklahoma aware of that when the Senator from Nevada thwarted the proceedings under the FAA bill, that there were key issues to be decided, such as modernizing air control to move to satellite, to provide for greater safety, and the processing of that bill was thwarted because the tree was filled and, again, a motion for cloture was denied because Senators were not given an opportunity to offer amendments?

Mr. COBURN. I was aware of that.

Mr. SPECTER. Was the Senator from Oklahoma aware that I had two important amendments relating to air control over my State, southeastern Pennsylvania, actually over Delaware, New Jersey, and Pennsylvania, that I had an amendment which dealt with the scheduling, where there were enormous delays on takeoffs and landings because they were overlooked, and that the efforts to change the law on that were thwarted by the procedures adopted by the Senator from Nevada?

Mr. COBURN. I was aware.

Mr. SPECTER. Was the Senator from Oklahoma aware that a number of Senators were on the floor for about an hour today and could not get recognition and had to wait because a quorum call was on and that the Senator from Nevada saw to it that the unanimous consent to take off the quorum was denied?

Mr. COBURN. I was aware of that. I had actually offered unanimous consent to waive the cloture and was denied.

Mr. SPECTER. Is the Senator from Oklahoma aware that there is a determination by this Senator, and I think by more than 40 other Senators on this side of the aisle, to fight these procedural moves come hell or high water, and no matter what legislation the Senator from Nevada offers, if it is legislation similar to the shield bill that I have worked on for a long time, I think it is very necessary, that we are going to rebel against the tyranny of what has been established by the majority leader in following a procedure to fill the tree and then blame Republicans who refuse cloture and exercise finger-pointing backward and forward?

Is the Senator from Oklahoma aware that I and others are determined to do everything we can to stop this procedure, which has undercut the basic purpose of the Senate?

Mr. COBURN. I am. I am very pleased in your effort.

Mr. SPECTER. I thank the Senator from Oklahoma.

Mr. COBURN. I will not take but a moment longer. I think it is fair to allow the majority leader to regain the floor.

The Senate I know and the Senate I studied was not about limiting debate. It was not about having a Rules Committee of one, it was about unlimited debate, germane but unlimited. It was about amendments. It was about using the parliamentary rules we have in a

fair and straightforward way to advance what you thought was best for this country.

The majority leader has the toughest position in this body. It is a hard job. There is no question. I defer to his judgment. I am not critical of his judgment. I am sorry for the Senate that we are to the point now where we can only move legislation when it is approved and the amendments are approved by the majority leader and his leadership.

I think that fails the test of our Founders' version of the Senate. I think we will rue the day that we have gone down this path. But I will continue to use every parliamentary maneuver I know to lessen Washington's wasteful spending, to pass good bills and make them better and not to say that just because you do not approve of a unanimous consent request that you do not have something to offer.

The fact is, we have passed 855 bills by unanimous consent. I may have let too many go. But the fact is we negotiated with a lot of people and got a lot of bills through. The frustration factor is part of the Senate. Working together we solve problems, working against each other what we do is we lower the rate of acceptability and confidence in this body to the 9 percent it has today.

My hat is off to HARRY REID for the amount of time he has put in, the amount of effort he puts in it. I would hope he would choose to go a different way, reaching across the aisle, working across the aisle. Everybody's ideas have value. Everybody's input should be offered and there should be real negotiation.

One last comment. This omnibus package of bills had 34 bills in it. There were only three bills that I absolutely opposed, nine bills I never objected to at all. And every other bill in that I made an offer to reach out, offer amendments, offer suggestions. Most of the time it was flatly rejected: We are going to roll over you. You cannot have input.

If that is the way the Senate operates, then we are going to be back here a lot of times in the future. I know, pretty heady times, thinking that we may not have the power to do that. But that power, if it goes away, will not last for very long being in absence. It will be back. The American people get it.

This country is on a crashing course, financially. Fiscally, we cannot handle what is happening to us. Until we start handling the problems now that are going to be the crisis in the future, we will fail the American public.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am going to be very patient and try to run through the accusations and statements made by my friend from Oklahoma and my friend from Pennsylvania.

The Emmett Till bill was introduced in February of 2007. It is now July of

2008. How much more patient can Senator BIDEN, members of that committee and, frankly, how much more patient can I be?

I revere the work done by JOHN LEWIS and others; civil rights leaders in those early days. I have listened to him talk at great length in a private, personal basis about what he went through. We had here at a DPC luncheon within the last few months a woman who proceeded to go down there with JOHN LEWIS and others, a White woman from here, in Virginia.

She believed what she had heard, that this was a country that was open to everyone. She, too, was beaten, thrown into prison, as were hundreds of other people. But, sadly, Emmett Till was murdered, as were lots of others. Most of those civil rights murders have been unsolved. That is what this is all about. Let's get to the bottom of it.

Make all the excuses you want, but we have had lots of time to deal with the legislation. No matter how many times my friend from Oklahoma talks about the huge cost of this package of bills, he can say it once, he can say it 1,000 times, it does not matter. The bill costs nothing. It is in the CONGRESSIONAL RECORD. I introduced it today. The head of the Congressional Budget Office said it costs nothing.

So any talk about saving huge amounts of money is nothing but wasteful talk because it does not. To have other Senators come here and say: Well, what we want to do with this Emmett Till bill you could do it for one-third of the amount.

That is what the legislative process is all about. There are three other opportunities for us to do that. All we are doing is authorizing that so the legislation can move forward. You can do it at the subcommittee level in appropriations, the full committee level of appropriations, and then when the bill gets to the Senate floor.

For Republicans to come and cry crocodile tears about my tyranny on the Senate floor is laughable. I have had to file almost 90 cloture motions to try to stop the filibusters they filed. We have had to file cloture on things they agree with because they are stalling for time. They want to maintain the status quo.

I would say to anyone, including my friend from Pennsylvania who comes to the floor and says we are going to do this no matter what because we want to stay on the Energy bill, I offered a unanimous consent not once but twice, saying we would stay on the Energy bill. We could finish this package of bills just like that and move to energy. We would never get off that. That was the consent I offered. So these are all excuses, real excuses.

The question is, The Republicans have decided to stick with big oil, the oil companies that last year made \$250 billion. That is what they have decided to do. It is a decision they made. It was calculated. They decided to do that.

There is not a Democrat over here who does not say we should do more

with the domestic production. We have said that time and time again. Now, I can be threatened with a lot of things, but do not ever consider that anyone here is going to outwork me. I do not care if we are here during the August recess. If you want to talk politics, we do not have a single Democratic Senator who has an election contest that is at all troubling. There are 11 of them over there.

If they want to stay here during the August recess, that is fine with me. The only thing I have planned would take me about 20 minutes to get out of. I have a trip to Afghanistan. It is something I feel I need to do. I can do it some other time. I am taking five or six other Senators with me. They can do it some other time. So do not come to the floor and say we are going to stay here in the August recess. Who suffers more for doing that, Democrats or Republicans? They do, I would think.

If they have any common sense—I know they do—those Senators who have election contests would rather be home than here. So do not suggest that somehow I am afraid to be here. We may not be doing energy legislation during that time, but we have so much to do.

We have the Defense authorization bill. If we don't get the media shield, we have that too. We have a number of other important issues we have to do. Consumer product safety, we have to do that conference report. So there are plenty of things we can do during the August recess, if the Republicans would rather be here. So don't say: We are going to really get you. We are going to ask you to stay here during the August recess.

Also, understand this: We have had a difficult problem with the President now for some time. We don't let him have recess appointments because they are mischievous, and unless we have an agreement before the recess, there will be no recess. We will meet every third day pro forma, as we have done during the last series of breaks. We don't need a vote to recess. We will just be in pro forma session. We will tell the House to do the same thing. So let's not be threatening about staying in during the August recess.

People ask: Why do the Democrats think Republicans may be somewhat mischievous in amendments they offer? Let's look at recent history. We have tried in good faith to legislate on bills, one of them we thought would be a good idea. Let's have an open amendment process. The first amendment they came here and offered was something that has been panned by every editorial writer in America, an 18-cent tax holiday. Remember, in Nevada we paid about \$3.30 for a gallon of gas. Everyone knew the McCain issue to deal with the energy crisis was laughable. But that was the amendment they offered.

Then we decided, well, there is another piece, maybe they will not do it

this time. But, bango, one of the first things they did was offer their own GI bill of rights because JOHN MCCAIN said the bill that is now law is too generous. So, again, we got off track on that.

All of my friends lamenting what the present status of the Senate is, all they have to do is look back at recent history. Presidential elections have consequences. Presidential elections always cause problems on the Senate floor. It is difficult to legislate when one Senator can do so much damage.

I would say to my friend from Pennsylvania, he read from the CONGRESSIONAL RECORD something I said in 2006. I said that. But if he were logical—and I think he is—he should have read the rest of that because, if you understand, he voted to go with Senator Frist that filling the tree was just fine. Suddenly, he has found religion. Back then, he didn't have it. Senator SPECTER voted with Senator Frist to fill the tree.

NOPEC—he talks about that. I know a little bit about that piece of legislation. I believed strongly, with Senator KOHL and Senator SPECTER, that OPEC should be subject to the antitrust laws of this country. I have said so publicly, and I tried here to bring that matter to the floor. I asked consent that we would be able to do that. Who objected to it? The Republicans objected to it. We didn't. We wanted to legislate on that. They wouldn't let us.

My friend from Pennsylvania has joined the throng to vote against Medicare, speculation, the energy package of tax extenders, LIHEAP, global warming—all these issues, and this package today.

I say that people who voted today against this package decided they wanted to have a vote to satisfy big oil. And to use the lame excuse that HARRY REID was a tyrannical guy and was stopping them from legislating. They have stopped themselves from legislating because they want to maintain the status quo. That is what this is all about. President Bush is for the status quo, and his people in the Senate are marching along behind him.

Again, I repeat, you go home and explain, I say to my Republican friends, you go home and explain to your constituents, the next person you see in a wheelchair, go up to them and say: You know, I voted against you because HARRY REID was being a tyrannical guy in the Senate.

You go home to someone whose family is bereaved because their mother, sister, or friend had a baby, and they were so depressed that they are now in a mental ward of some hospital or they committed suicide. You go home and explain to that family that is the case.

You go home and explain to someone who is a stroke victim or a family who has a stroke victim: I decided to vote against you because HARRY REID didn't give me an amendment to vote on whether OPEC should be subject to the antitrust laws.

You go home and tell people—there is going to be 5,600 new people this year

who will be diagnosed with Lou Gehrig's disease. From the time they are diagnosed to the time they die is an average of 18 months. You go home and tell them and their families, their friends: I voted that way because HARRY REID wasn't handling the Senate right. I had a chance to vote on it, but I didn't like the way he was doing it. So you understand, HARRY REID was the bad guy. I am a good guy, even though I voted against your best interests.

You go home and tell people who are struggling every day raising children, trying to keep them away from evil people who do things that are very horrible with pornography with children, they exploit children—we have legislation here that would stop that. You go home, go to a PTA meeting and tell them: Well, we had something that would help this pornography with children, but REID, I just don't like the way he runs the Senate.

You can go home and talk about the 34 pieces of legislation. You go home, you Republicans, go home and explain to your constituents how you did that. It is pretty hard to do, but you can go ahead and do it.

If any Member of my party suggested to me or the members of my caucus to vote against so many priorities based on specious and misleading arguments, I would want a way out too. I understand the rights of my friend from Oklahoma. He has a right to do what he has done. I think he is wrong. But I do say this: His Republican colleagues know him as well as I do, and what he has done is no surprise. But I am just saying they should join together, as they did earlier this year, when there were over 90 pieces of legislation he had held up for the same baseless reasons he is holding this stuff up.

They voted because they said: Enough is enough. Well, enough is enough. They have decided they want to go along with the crowd. Eric Hoffer, somebody I thought was a great author, just had a birthday. He is dead, but they announced it was his birthday, a longshoreman, philosopher. He wrote a lot about what happens in crowds; people go along with the crowd. He wrote about it. He was President Kennedy's favorite author.

These folks over here are going along with the crowd, just like Eric Hoffer said people do on certain occasions. They will regret having done so.

I do the very best I can, trying to be fair, fair to everyone in my caucus and fair to everyone in the Republican caucus. I have never been a bully. I have been involved in a few fights in my life, but I very rarely ever picked a fight. I certainly haven't picked a fight here. I want to get along. That is my personality. So I am not upset at anyone, other than to say: How foolish what is going on here in the Senate. I say, with a clear conscience, I am not the cause of it.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, without prolonging this discussion endlessly, I want to take a moment to congratulate my friend from Oklahoma for his courage in making an extraordinarily important point to our colleagues, which is the way you pass legislation on a consultative basis. I would say to my friend from Oklahoma, I remember when we were in the majority and I was the second ranking member of our conference, having to tell our Members frequently that the only way we could get anything accomplished was to take tough votes, and that was the challenge of being in the majority. If you want to move something along, you have to give the minority an opportunity to have their votes.

There was always grumbling about it: Can't you do anything? Invariably people would say: I am up this cycle; I can't possibly do this.

In order to make a law rather than just check the box, the process in the Senate means the minority gets to offer amendments. What is going on here is a fundamental shifting of the way the Senate has historically acted. I know the majority leader is under a lot of pressure from his Members frequently to avoid tough votes. I have been there. I have heard those demands. But if your operating mode is to avoid all tough votes, you never accomplish much.

We haven't given up on this side. Our hope is that this Congress could actually be remembered for having done at least a few things that were important to the country. So I want to shift now to the issue that we have been sort of sparring back and forth on over the last week or so, and that is the energy issue. I owe the majority leader a report on a leadership meeting I had just a few hours ago. We had a good discussion. I think my membership and my leadership team believed that the consent agreement he offered earlier today went a long way toward meeting the requirements that many of us on this side of the aisle had believed were sort of a bare minimum threshold of credibility to actually have a chance of making a law rather than checking a box. When we finally end our public discussion tonight, I just want to say to my friend the majority leader publicly, I would like to have a discussion privately about how we might go forward. It sounds to me like we are very close to having a consent agreement that would give us a chance to operate on a major issue in the way the Senate has historically dealt with significant issues.

I want to end my comments tonight on a note of optimism, that we might be close to doing something important for the country on a very large issue. Again, on the question of the way the Senate functions, I congratulate not only the Senator from Oklahoma but the Senator from Pennsylvania for their strong insistence that they be allowed and that all Senators, really, be

allowed to be part of the legislative process. It is really the only way we can actually pass laws, rather than just score points with each other. I think the American people would like to see us do something significant about the No. 1 issue in the country.

I end the evening publicly—and I will continue conversations with the majority leader privately—on a note of optimism that we might well be on the verge of getting an agreement that would be acceptable to both sides and give us a chance to go forward.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Pennsylvania if he is seeking the floor to speak. Perhaps we can reach a time agreement and he can speak and I could speak as well. I would like to ask him, does he have a period of time for which he is seeking recognition?

Mr. SPECTER. I would like 10 to 15 minutes tops.

Mr. DURBIN. Mr. President, I yield 15 minutes to the Senator from Pennsylvania and ask unanimous consent that I be recognized immediately thereafter.

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

Mr. SPECTER. Mr. President, I thank the senior Senator from Illinois. I had sought recognition to try to speak about an hour ago, 5 past 6, but we were in a quorum call. If there is somebody watching on C-SPAN, they probably don't understand what is going on on the Senate floor. But a quorum call can't be taken off if one Senator objects. As I said earlier, the majority leader objected until he got to the floor and took off the quorum call. Then I made a number of comments in a discussion with the Senator from Oklahoma.

For those who do not know the Senate procedures, I could only ask him a question, could not make any statements. Although the Senator from Alabama engaged in a considerable amount of comments without questions, the majority leader objected when I sought recognition. So I now want to address a few basic points in what is going on.

The institutions of the Senate are very important to this country. That is because this body has been called the world's greatest deliberative body, because under the precedents, any Senator can offer any amendment to any bill at any time, virtually. There are some limitations, but that is the valid generalization. If you combine that with unlimited debate, this forum has been a place where ideas can be expressed, the public can hear them, the public can understand them, and momentous matters of public policy are decided by the Senate because of our ability to bring up these issues. Nobody can limit it. That has made America great. The Senate is a very important institution.

Now, regrettably, in the past 15 years—and it has been the fault of both Democrats and Republicans; and I have not hesitated, as the record shows, to criticize the Republican caucus. I did so in some detail during the judicial battles during the Clinton administration, where I thought the Republican caucus was wrong in denying confirmation. I have voted in an independent way and have disagreed with Presidents of my own party and the majority of my own party.

In noting what has happened on this procedure of filling the tree—that is an arcane expression, but let me take a moment to explain it.

When a bill is filed, called up by the majority leader, the majority leader then has what is called primacy of recognition. If two Senators seek recognition, and the majority leader is one of them, he has the right to recognition first. So he then offers an amendment to the pending bill. Then he offers another amendment in the second degree. I won't go on to detail the kinds of amendments, but the consequence is that no other Senator can offer any amendment. That is called filling the tree.

Then, when the majority leader has done that, he moves for cloture. That is to cut off debate. Senator REID did not invent this process. It had been used very sparingly until 1993, only 15 years ago.

In one Congress, for example, the 101st Congress, 1989 to 1990, the Democratic majority leader, George Mitchell, did not use it at all. Then, in the session from 1993 to 1994, Senator Mitchell used it nine times. Then it got to be in vogue. Senator Lott used it nine times in the session from 1999 to 2000. Senator Frist then used it nine times in 2005 and 2006. Senator REID has now used it 15 times, and it has had the consequence of precluding Senators from offering amendments.

Let me be very specific. The global warming bill came to the floor on June 2 of this year. I had a whole series of amendments I wanted to offer, and came to the floor and talked about: No. 1, emission caps; No. 2, cost containment safety valve; No. 3, the energy-intensive manufacturing competitiveness amendment; and No. 4, the steel process gas emissions amendment.

But what happened? Senator REID filled the tree on June 4. I could not offer those amendments. Then, on June 6, he moved for cloture to cut off debate. Cloture was defeated 48 to 36. Then the bill was taken down.

A similar thing happened on the FAA bill. It was called up on April 28—a very important bill because it was going to change air control practices using a satellite system to provide for greater safety. There were important amendments I wanted to offer on scheduling. We have overscheduling at the Philadelphia International Airport. People wait a long time for takeoffs and circle a long time on landings. I could not offer that amendment. There

were also significant problems on flight patterns, and I could not offer that amendment.

Now, regrettably, this has gone on on many bills for a very long time.

Then, we have the oil speculators bill. It is important the Congress deal with the escalating prices of oil and gasoline at the pump—heating oil. What has happened on the bill? There was a motion to proceed filed on July 17. On July 23, the tree was filled. Then the motion for cloture on the bill was defeated on July 25.

So here we have no action. The only action is a lot of finger pointing. Senator REID points at the Republicans, and the Republicans point back. Senator REID says the Republicans killed the bill because they would not invoke cloture, and Republicans say that was caused by Senator REID's filling the tree and not allowing us to offer amendments.

Well, I am sorry Senator REID is not on the floor at the moment. But he made a speech about explaining this to our constituents, and I do agree with him on that one point that it is going to be very hard to explain to our constituents why we have done what we have done.

We had a vote on LIHEAP, low-income heat and energy assistance, last week. Senator REID called that bill to the floor to put Senators such as ARLEN SPECTER on the spot. I have been a proponent of funding for that second to none. As chairman of the Appropriations subcommittee having jurisdiction over that subject, enormous sums were added. But had that bill gone forward, the oil speculators bill would have been displaced.

Now, it is very important in the long run that oil prices be dealt with for those people who need LIHEAP, who need heat in the winter in Pennsylvania and Maine and other States, or air-conditioning in the summer. It is going to be a job to explain it, there is no doubt about that. But I am willing to undertake that risk, that difficulty. I have town meetings all over Pennsylvania every year and will have a chance to talk to my constituents about it, and I am prepared to deal with it.

Senator REID said on the issue of suffering, if we are in in August, the Republicans will suffer more than the Democrats because there are more Republicans who are up for election. Well, I submit that the question of suffering by the American people is more important than whether there is more suffering by Democrats or Republicans in the Senate.

I do believe it would be salutary and appropriate for the Congress to stay in session during the month of August providing we deal with real issues and providing we do not have weeks, as the Senate has had, where there are only one or two votes. We have plenty of time to deal with these issues if we allow Senators to offer amendments and if we then proceed to consider

them, so that I call upon the majority leader to keep the Senate in session providing we take up the issues of oil prices and gasoline prices and providing we do not engage in the same circular, dilatory finger-pointing practices which have characterized the Senate for months now during the time when Senator REID has offered 15 instances where the so-called tree has been filled and no other amendment can be offered by any Senator.

When I quoted Senator REID about his denouncing the filling of the tree, his comment was that I had supported Senator Frist, the majority leader, and it is not true. I did not support him on that. I think Senator REID was exactly right when he objected to the procedure to foreclose amendments by saying that the filling of the tree "is a very bad practice." These are Senator REID's words:

It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate.

Senator CHRISTOPHER DODD, Democrat of Connecticut, had this to say on the subject on May 11 of 2006:

... to basically lock out any amendments that might be offered to this proposal runs contrary to the very essence of this body. ... when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be. ... the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter.

This is not a new position I have taken. More than 18 months ago, on February 15, 2007, I introduced S. Res. 63 to change the standing rules of the Senate to bar the majority leader from filling the tree.

So, in conclusion, I do believe the rules of the Senate and the way we have functioned to allow any Senator the opportunity, virtually, to offer any amendment at any time on any bill is a very precious procedure in our democracy and it is worth fighting for. It is worth fighting for even if it is going to be misunderstood on the litany of items which Senator REID talks about. Illustratively, the people who have LIHEAP will be better served in the long run by a Senate where Senators can offer amendments and deal with the problems of the high price of oil in the long run by amendments such as the one Senator KOHL and I have offered to bring OPEC under the U.S. antitrust laws.

When we talk about where the suffering exists, we ought to focus a little more on the American people who don't have the money to go on vacation in August with the high gasoline prices or with the high prices generally to take vacations at all. I am not anxious to come back in August, but I am prepared to do so, and I think it would be in the national and public interest to do so if we tackle the issue. The August session ought to be for oil and gas prices, and that would be worth our while.

I thank the Senator from Illinois for agreeing to this time.

I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, I am trying to visualize somewhere in America where a father walks into his living room and says to his son: What are you watching?

The son says: Well, I was watching C-SPAN. I was watching the Senate.

The father says to the son: What were they talking about?

The son says: Filling the tree.

The father says: What is that?

The son says: I don't have any idea.

The father says: You would think they would talk about things that were important to us. Turn off the television. Watch the cartoons.

I listened to this debate and wondered how we can get tied into knots, just as we have today. I will tell you that we had 34 bills before us today. They were in a package. These are 34 bills that were considered non-controversial bills—bills that had passed the House of Representatives without dissenting votes, in many cases, or overwhelmingly on a bipartisan basis. These are bills reported out of our committees—including the Judiciary Committee Senator SPECTER and I serve on—unanimously. These are bills which, in the ordinary course of business in the ordinary history of the Senate, wouldn't have caused a ripple because they had been agreed to and written and both sides said: This is a good idea; let's do it.

However, under the rules of the Senate—and it is a unique institution—any Senator can object to any bill. They can stop the train and say: Don't go forward, don't consider the bill, if one Senator—just one Senator—should object. Well, in this case, the Senator from Oklahoma, Mr. COBURN, objected.

Senator COBURN is a friend of mine. We use that term a lot around here, but this is for real. He is a friend of mine. He is the ranking Republican on a subcommittee that I chair, the Subcommittee on Human Rights and the Law of the Judiciary Committee, and we have done a lot of work together. In fact, he has been the cosponsor of some bills that have been enacted and signed by the President which I initiated and he joined me, so we truly do have a good working relationship.

I think he has a peculiar fiscal philosophy, and here is what it is. There are two kinds of bills that we consider. One is an authorization bill, and the other is an appropriations bill. Let me use an example.

That same father I mentioned earlier says to his son one day: Why don't you go out and buy a bicycle.

The kid says: You mean I can buy a bicycle? Great, he says.

At that point, the son says: Can I have some money?

The father says: No, we don't have the money, but you can buy one if you want to.

The kid says: I don't have the money.

That turns out to be the important question—not whether you have the

permission to buy the bicycle but whether you have the money to buy the bicycle. Permission—authorization. The money to make it work: appropriation. So the 34 bills here are all permissions to spend money. That is it. They don't provide any money. That is another part of the process.

I think that is the critical difference which Senator COBURN does not acknowledge. We are authorizing these. We are permitting these things to occur, but we are not spending the money for them. That comes later. We have a finite, limited amount of money to spend in our Federal budget and we will decide: Will this be the priority or will it be something else? Senator COBURN believes that if you give permission, all the money is going to be spent. Historically, that never happens, but that is his philosophy, that is his point of view. So he objected to some 34 bills.

UNANIMOUS CONSENT REQUEST—S. 3297

Now, it is my understanding that there is a consent script available which I would like to propound before Senator SPECTER leaves the floor.

Of the 34 bills which were included in S. 3297 which was considered today, Senator COBURN has come to the floor and asked that 1 or 2 of the bills be modified, changed, and passed. I wish to make sure it is clear for the record that we are asking consent on our side, unanimous consent that the Senate proceed to S. 3297, the bill in its entirety, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed at the appropriate place in the RECORD as if read.

Mr. SPECTER. Mr. President, on behalf of Senator COBURN, who could not be present, on his behalf, I am objecting.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, the bills I just asked to be passed and the ones which were not passed earlier today, some 34 bills, were permission bills, authorization bills. I think they were meritorious and valuable and very important—for some families in America, more important than maybe anything else we would consider.

What kind of issues do they take up? You have heard it here on the floor: Lou Gehrig's disease. Just down the block from where I live in Springfield, a fellow I practiced law with had a son who contracted Lou Gehrig's disease. He didn't last long. His wife would come to me begging that we do more in medical research so that her son would be spared. When it became obvious he couldn't survive, she still pushed for more research, saying no family should ever have to go through this again. Well, we understand that, all of us do—anyone who has had an illness in the family—and that is what the bill did. The bill would establish a registry of Lou Gehrig patients around the United States to track them, to gather infor-

mation, to try to find out a way to find a cure.

Now, who is going to object to that bill? Well, it turns out that in the House of Representatives, the bill was passed 411 to 3—overwhelmingly passed. It came to the Senate in May of last year, over a year ago, and was reported by one of our committees, the HELP Committee, on December 4 of last year, and that is when Senator COBURN objected to it and put a hold on the bill. He didn't want it to go forward. I think this is a good bill. I don't know who would argue against it, but one Senator did, so it became the top bill on our list of 34.

Most people remember Christopher Reeve, who played Superman in the movie and then got involved in an equestrian accident and was paralyzed and spent the rest of his life pushing for more research and more work to deal with paralysis. Well, there was a bill introduced that pushed for paralysis research and rehab at the National Institutes of Health. It was so overwhelmingly popular that it passed the House with a unanimous vote, by voice vote. No one dissented. It came over here, and Senator COBURN said: No, I am stopping that bill—a bill that Senator COCHRAN of Mississippi and Senator KENNEDY of Massachusetts offered involving stroke victims for comprehensive systems to treat these stroke victims to save their lives and to save their faculties. It passed by a voice vote in the House of Representatives with not a single dissenting vote. When it came over here, despite support by our Senate committee, Senator COBURN objected.

The Melanie Blocker Stokes MOTHERS Act, this is one I am familiar with. It deals with women suffering from postpartum depression. Sadly, many of these women are not only sad but resort to suicide. This bill was trying to work out a way so that new mothers would have someone to speak to.

I met with some of those mothers in my State who have been through postpartum depression. It turns out everybody is focusing on the new baby and how beautiful it is, and mom is over there as blue as can be, not going to see another doctor for some time. Well, she will see a pediatrician with the baby, and we were trying to find a way for pediatricians to be sensitive to this and try to help deal with depression before it got more serious. That is what the bill is all about. It passed the House 382 to 3 on October 15 of last year. Senator COBURN held it up. He said he didn't want this bill to go forward.

The Vision Care For Kids Act, this one establishes a State grant for the Centers for Disease Control to help kids be tested to make sure their vision is good and to help them get glasses if they need it. You would think there is enough there, but there isn't. A lot of kids failing in the classroom just can't see the blackboard or read

the computer in front of them. This is why this is necessary. It passed in the House by a voice vote unanimously in October of last year. The lead sponsor, incidentally, is a Republican—Senator BOND of Missouri—and Senator COBURN held up the bill.

The list goes on and on. In the Judiciary Committee, efforts to establish and reauthorize programs for runaway kids; the Emmitt Till Unsolved Civil Rights Act to try to bring to justice those who killed civil rights workers so many years ago; an effort for funding mental health courts to deal with mental illnesses, one of the important elements when it comes to crime in this country; the Child Pornography Prosecution Act—all of those bills, incidentally, passed out of the committee, which Senator COBURN serves on, and then he held up the bill after it passed out. It is a long list of bills. Drug Endangerment of Children. All of these bills are designed to deal with real-life problems and issues, and Senator COBURN objected to every single one of them. It was his right to do it.

So we brought these bills together with many others and said: Certainly the Senate, understanding these are bipartisan measures with strong bipartisan support, would want to bring these to the floor and vote on them. Senator COBURN could have voted no. If that is what he wants to do, it is his right to vote no, but that isn't what he wanted to do. He wanted to preclude the opportunity for anyone else to vote on this bill; he put a hold on the bill.

We had a test rollcall on this earlier today, and if you followed the debate earlier, you would know that only three Republicans joined us on the Democratic side. We didn't get the 60 votes we needed. This package of bills, all the things we mentioned, and many other items, unfortunately, are not going to go forward.

Now, it is not right that bills that are so important, that have strong bipartisan support, that have been carefully worked on, won't even get the chance to pass. I think it is unfortunate. It is unfortunate that a number of Republican Senators, even those who cosponsor these bills, would not come forward and join us in this effort. I don't know that we will have the time to get back to this, but I hope we will at some point. Senator REID has said, and rightly so, we are running out the time. We just can't keep doing this over and over.

The last point I wish to make is there has been a lot of talk about suffering here. Most of the people who are suffering here are staff who have to weather these storms of oratory on the floor of the Senate. Senator REID brought up that issue because some people are threatening we are going to stay in session all the way through August to deal with energy. Senator REID made the point that it is no hardship for him, nor for our side of the aisle if that happens, if that is what we end up doing, and that, in fact, there are many

others on the other side of the aisle who are anxious to get home for political reasons in a pretty tough election year. That was the point he made. He didn't diminish the suffering the American people are feeling all across this country, of families who are trying to pay gasoline bills. I hope tomorrow will see a better day and a more reasonable approach.

We have tried repeatedly to bring up an energy bill and offer the Republicans a chance to bring up their amendments, we would bring up our amendments, subject them to a 60-vote margin, and let the better amendment win. They rejected that last week. I hope they will reconsider. I hope they will understand, as we do, that it is much more important for us to take up bills such as the ones that were objected to today so that some families across America with genuine concerns can have their concerns addressed by the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, I will take a few minutes to add to the legitimate complaints my colleague from Illinois, the majority whip, raised. Currently, in this country, we spend \$29 billion researching ALS and other motor neurological diseases. The CDC says we don't need an additional registry. Their quote:

The CDC already has the authority to create a registry under the Public Health Service Act—S. 1382 is not necessary to achieve the purpose of the bill. The goal of a registry is to create lists of patients with ALS so that government has records of the incidence and prevalence and researchers have lists to find patients for research.

The goals of a registry can be achieved without a registry. The National Institutes of Health already reports on the prevalence of ALS, "As many as 20,000 Americans have ALS, and an estimated 5,000 people in the United States are diagnosed with the disease each year. . . ."

Scientific experts think a registry for ALS is a misguided use of resources. According to the CDC, "Putting patients in contact with medical researchers is a worthwhile goal, but a registry is not a means to accomplish it." There are better ways of putting patients in contact with researchers. For example, a quick search on www.clinicaltrials.gov reveals many ongoing clinical trials related to ALS and a new recruitment effort called "ALS Connection."

We increased funding last year for www.clinicaltrials.gov. So it is not about not wanting to help people. The question is, are we going to spend \$75 million on another bureaucracy for ALS or spend \$75 million to increase

the pure research associated with that disease?

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I wish to finish my statement first. But I will play fair and yield to the Senator when I am finished. So I will be here.

A large amount of resources is associated with the registry. We have registries, but they are not comprehensive. I identify with the families and the people who have ALS. I have had patients and some in my family who have had it. The hope is we would find a cure or a treatment to slow the progress of it. If we spend \$75 million on a registry, which the CDC and NIH both say we don't need, that is \$75 million we are not going to spend on research.

One of the things that didn't come up in the debate today is let's take this \$10 billion and get rid of \$10 billion worth of waste, and increase NIH from \$29 billion to \$39 billion a year. It would make a big difference in lots of diseases.

Let me talk about the Christopher and Dana Reeve bill. To want to help people who have suddenly become, or were for a long period of time, a paraplegic or a quadriplegic is a noble cause. According to HHS and CBO, the only thing this bill will do that is not already being done—the only thing it will do—is allow us to name some buildings and facilities after Christopher and Dana Reeve. I am not against additional research in those areas. But if we are going to do it, we ought to get rid of wasteful spending somewhere else. It is the same with ALS. If we are going to spend an additional \$75 million, let's take it from some of the waste. I understand the difference in agreement I have with my colleague from Illinois in terms of authorization versus appropriations. But it is that very difference in agreement that got this country \$10 trillion in debt, that helps account for the fact we are going to have the highest deficit in our history this year.

Common sense has to come back to Congress. We cannot keep authorizing bills and turn a blind eye to deauthorizing things that aren't working. We use a quaint little argument that it doesn't spend any money. No, it doesn't, until you appropriate it; but if you appropriate it for a new bill and you are still appropriating for the old—which we do—all you have done is grown the size of the Federal Government and made it less efficient and more imprudent.

I believe there is a case to be made that we ought to operate the Government finances the way families operate theirs. We ought to have to make hard choices. I know from the 109th Congress that this body doesn't like to do oversight. It doesn't like it. We don't like to do the job of making sure the money is spent well, that it has metrics on it. By the way, neither of these two bills has any metrics on it to

measure whether they are successful or accomplish anything. There is no way for us to know that we have made an actual improvement for the people under these two disease categories.

I think it is fair game for us to talk truthfully and very clearly about what the differences are, in terms of what the Senator from Illinois said. It is not about not wanting to help people; it is about wanting to help more people. Do you know what. We can do more research on ALS and more to help paraplegic and quadriplegic people, and more to help our kids and grandkids. The way we can do that is being very wise and frugal with the money that comes to Washington. Quite frankly, we are not doing that. So the debate isn't about setting up somebody who is injured and should have our care and attention. The debate isn't that somebody doesn't care or does care. The debate is how best to solve the problem: the status quo in Washington that doesn't solve the problem, continuing to do what we have always done—authorizing new spending and never getting rid of the old, never looking at it or fixing it.

I also put forward one other argument: If authorizations don't matter in terms of spending, then there should be no objections to my offering a deauthorization to other programs that don't matter. If authorizations don't matter, then if I deauthorize something else, that won't matter either.

So we have this wonderfully circular argument that says spending is only spending when we spend it, but if you want to decrease spending in an authorization bill by offsetting other authorizations, that is spending and you are cutting. You cannot have it both ways. It is about how do we live within our means? How do we, in fact, guarantee these great opportunities—and we still haven't spotted all the problems in front of us as a nation—how do we guarantee that they go on to the next couple of generations?

This isn't about paralyzed people or ALS; it is about changing the culture of the Senate and the Congress to start meeting the expectations of the American people. The expectations are that we will start thinking long term and start thinking about their kids. We need to get rid of the waste and be much more efficient in the programs we have. To do less than that is dishonest with those very people who we say we care about in this bill.

This bill is a \$5 million museum in Poland. How many people in America think today, with a \$600 billion deficit, and them struggling to buy gasoline and food, and milk at \$4 a gallon—the same price as gas—that we ought to spend \$5 million across the seas? I agree there is a good argument about our foreign policy in terms of our involvement with Iraq. That is fair game—building museums, forgiving debt, sending another \$24 million to the U.N., which won't tell us a penny of anything they spent, or where they

spend it, because we cannot see it, and we are already spending \$5.6 billion there a year.

This is a real debate. I hope the debate stays at the level that doesn't accuse anybody of not supporting what is in the best interests of every American. The question is, how do we do that? What we have heard on the floor today is that if you voted against this bill, you don't care about women with depression. I have delivered 4,000 babies. I have treated postpartum depression. The flippant way we talk about that—this is a serious disease that is being treated. There are multiple programs out there.

I will also make a final point, and then I will yield to my friend from Illinois. Under the Health, Education, Labor, Pension parts in this bill, on only two out of six bills I had a hold on. There was the Melanie Blocker Stokes MOTHERS Act. I didn't have a hold. It has never been offered. The Vision Care For Kids Act; I didn't have a hold on that. It has never been offered. On prenatal and postnatally diagnosed conditions, I am a sponsor of that. The Stroke Treatment and Ongoing Prevention Act, I never held that bill, not once. Under the judiciary bills, the Mentally Ill Offender Treatment Crime Reduction Act, I never held it. The Drug Endangered Kids Act, I never held it. The Effective Child Pornography Prosecution Act, I never held it. Enhancing Effective Prosecution of Child Pornography Act, I never held it, not once. National Sea Grant College Program Amendments I never held. Federal Ocean Acidification Research and Monitoring Act, I never held it.

So what is it about wanting to work to meet the needs of everybody having input? The question is, can we do things better or do we have to keep doing them the old way? Does it have to be that if you read the bill and if you have concerns, do you let them go and say it doesn't matter? That is how we got into the energy crisis we are in, and the housing crisis.

I don't believe we can let things go anymore. We have to look at them, and if we think they ought to be fixed, we ought to have the courage to say they ought to be fixed or paid for.

With that, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I apologize publicly on the record if I said at some point that Senator COBURN was holding a bill that he wasn't. I certainly don't question his statements in the RECORD about which bills he held. I will tell you that there is a small group—and he is the most visible member of that group on his side—that is now in the practice of routinely holding routine bills. If he is not the reason why some of these were held, I hope the RECORD will be clear. But it won't, because they are secret holds—except for you, and I acknowledge that you are very open when you hold a bill.

Mr. COBURN. If the Senator will yield for a second.

Mr. DURBIN. Yes, without losing my right to the floor.

Mr. COBURN. I write a letter the day I hold it to the committee and the majority leader and minority leader and the sponsors. They know what I am holding. I will make one point to you. Most of the bills we hold at first are held so we can read them. It is a strange thing. We ought to read the bills before we say let them go.

Mr. DURBIN. I acknowledge that. As I tried to make clear, the Senator from Oklahoma does this differently and more honorably than some. Some sneak around and don't want people to know. I have the same attitude. If I am going to put on a hold, I want them to know why. Maybe they will change or withdraw a nomination. But it is very open and clear. I try to do it that way.

Having said that, let me say, if you object to the Lou Gehrig registry, it passed through the committee you serve on, it was reported to calendar in December of last year with an amendment. It must have been debated in committee to some extent. You had a chance then to amend it, to vote against it, and from what I hear you say on the floor today, you would vote against it today. That should be your right. I would defend your right to do that.

But I think it reaches a different level where you say I don't have a right to vote for it if you are opposed to it, and that you are going to put a hold on it and won't let the measure come to the floor for a vote.

If the measure came to the floor for a vote and the Senator from Oklahoma had spoken against it and voted against, he would have done the right thing. But to deny me a chance to vote for this bill, I think that goes too far. I do.

Whether we go through one or the other, I can discuss each one the Senator brought up, but that is the underlying issue. Should I have the right to deny him even a chance to vote on this bill? That is the position he has taken on some of these bills. That, to me, is troubling.

I will say in terms of fiscal sanity, I do wish to make a statement for the RECORD. The current administration inherited a surplus. The current administration inherited a budget surplus. It was the first time in 30 years that the Federal Government had a surplus.

Bill Clinton, for whatever his faults might have been, put America's economic house in order. We started generating a surplus in the Federal Treasury. Why? Some taxes were raised, some spending was cut, but it was done in such a way that it worked. The economy grew dramatically. Jobs, new businesses, housing grew dramatically, and we reduced the deficit of this country by generating a surplus.

This President inherited that situation and brought to it his own George W. Bush economic philosophy. I would

not attribute it to the Senator from Oklahoma unless he wants to say that was his philosophy, too, but it was a philosophy that, best said, the best way to give this economy more is to give tax breaks to the wealthiest people in this country, cut taxes for the wealthiest people and a thousand flowers will flourish.

Unfortunately, September 11, 2001, occurred. We found ourselves spending a lot of money for the security of this Nation and then found ourselves in two wars. This President continued to call for tax cuts in the midst of a war. He became unique in American history. No President has ever done that.

The Senator from Oklahoma, the fiscal conservative that he is, must acknowledge it is mindless to have tax breaks in the midst of a war. You know the war is an add-on cost to your overall economy and budget, and then to cut revenue—that is what he did. As a result of that action by the President and his decision to initiate a war in Iraq that has gone unpaid for now into its sixth year, we have now piled up the biggest deficit in the history of the United States of America.

The Senator from Oklahoma is vigilant on bills that come that may cost us money in the future, but his party and his President have led us into the deepest deficit in our history. Having inherited a surplus, President Bush drove us into a fiscal mess, where we are borrowing money from all over the world. The last thing I will say is this, and I know the Senator from Oklahoma is never going to agree with me, but I want to make a point. If every one of these 34 measures that he and his side objected to today had passed, it would not add a penny to the deficit tomorrow, not a penny, and not next year either. We have to pass the spending bill. These bills give permission for a museum. These bills don't spend a penny for a museum, not one.

I am on the Appropriations Committee. We sit there, and they give us a finite pot of money and say: Take your pick. You want some new programs? Go ahead, fund them, but you cannot fund the old programs if you fund the new ones. You have a finite pot of money. Make your choices.

That is what happens in appropriations and on the floor of the Senate. That is a point which the Senator and I have debated repeatedly and probably will never resolve between us. But we have a genuine difference of opinion, and the only thing I have supporting me is a statement in the RECORD from the Office of Management and Budget saying I am right, he is wrong. Don't take it personally, but it was put in the RECORD.

I say to the Senator, I don't think it was right what happened today, that we stopped consideration of 34 bills. If he wanted to have his recorded vote as no on any one of those bills, it was his right to do it. But to stop me from trying to promote treatment of people with Lou Gehrig's disease and paral-

ysis, because I think these are good bills, I do not think that is appropriate.

Today, we tried to get the Senate to rule the other way, and they did not. The Senator's side prevailed. But only three Republicans would join us, and now these bills are not likely to be passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Senator from Illinois. I thank him for his debating skills and his heartfelt positions.

I guess the first thing I would say is the Appropriations Committee spends \$875 billion every year that is not authorized. The Senator from Illinois knows that.

The second thing I would say is there is no ability to amend any of these bills in the appropriations process, unless you are on the Appropriations Committee. So if you are not on the subcommittee, you can't amend it. If you are not on the main committee, you can't amend it.

Last year, we couldn't amend anything because the omnibus bill came to the floor without any ability to amend it. So we haven't had any opportunity to amend it. It is whatever the appropriators say goes. There is no amendment with that.

I am not going to get into the debate. I am as disgusted with Republican spending priorities as the Senator from Illinois is. I will correct the record on real accounting principles. We had 1 year, and 1 year only, of a true surplus, 1999. The rest of the years we didn't have a surplus, if you count what we borrowed from Social Security.

I would not defend any of the spending of this President or this Congress, but I will make it known the President cannot spend the first penny until Congress passes the bills. I note that over the last 18 months, his party has not been in charge. A different party has been in charge. The bills that have gone to him have been controlled by the majority party.

Look, both of us admit that our children are in tall weeds right now if we don't start doing something about our fiscal situation.

The final point I will make is most of these bills would take less than an hour. Every one of them I have communicated on and I am happy to see on the floor. Give me the right to offer one significant amendment and one amendment for every billion dollars. I will debate it for 15 minutes, have two votes, and we will be done with the bills.

Nobody is withholding anybody's right to vote for a bill. The majority leader can put any bill he wants on the floor at any time, with my agreement to never try to dilate, never try to spread it out, to only bring pertinent amendments that are germane and do that in a very short period of time. He knows that. The Senator from Illinois

has known that. That has been the way I work. I don't play the games of political position to spin something.

My hope is—and I have a great relationship with the Senator from Illinois. I value his friendship. He is not “just my friend,” he is a friend. It is not the collegial statement of the body, it is DICK DURBIN is my friend. My hope is that when DICK DURBIN and I can pass three significant bills out of our subcommittee that make a real difference in the world of human rights, that if we can do that, then certainly the Senate can come together on energy and all these other bills. My hope is we will do that.

I do not want to delay our staff or the Presiding Officer any longer.

I yield the floor.

MORNING BUSINESS

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

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

TRIBUTE TO VINCENT P. FARRI

Mr. BYRD. Mr. President, I wish to commend Mr. Vincent P. Farri on his promotion to Lieutenant with the United States Capitol Police. Mr. Farri, a native of Maryland, joined the Capitol Police on January 31, 1989. After initial training at the Federal Law Enforcement Training Center he worked with the Capitol Division Building Patrol, and performed general duties until 1993. In 1993, Mr. Farri was assigned to the uniform protective detail for the President pro tempore of the Senate. I came to know Mr. Farri during this time and observed that on a daily basis he executed his duties in a highly professional, diligent and courteous manner.

In 1998, Mr. Farri served as a senior patrol officer in the Capitol Building, and occasionally worked as an acting sergeant, making rounds and supporting officers at their posts. While performing in this capacity, Vincent Farri distinguished himself on July 24, 1998. On that fateful day, an armed assailant entered the Capitol and suddenly took the lives of two Capitol Policemen. Officer Farri, hearing shots from the floor above, immediately ran to the scene where he came upon the fallen officers, and assisted in apprehending the gunman. All those who work in and visit the Capitol owe deep gratitude to the police men and women who serve and protect us, and we are especially grateful for the service rendered by Vincent and the sacrifice of his fellow officers on that day.

In September, 1998, Mr. Farri was promoted to the rank of Sergeant and worked with the First Responder Unit of the Capitol Division for approximately 10 years. His collateral duties

included training junior officers and serving with the Capitol Police Alert Team. In connection with his promotion to Lieutenant, Mr. Farri has been assigned to the Capitol Police Command Center. In this position, he provides guidance to officers in the field and serves as a liaison between the offices of the Chief of the Capitol Police and the Sergeants at Arms of the House and the Senate.

In 1946, during a lecture at the University of Chicago, Senator J. William Fulbright stated, "The legislator is an indispensable guardian of our freedom." I believe all Senators will agree that the U.S. Capitol Police are indispensable guardians of all who serve in and work for the United States Congress. Mr. Farri's 19 years of service have been an important part of that protection. I sincerely congratulate Lieutenant Vincent Farri on his promotion and assignment, and further extend my congratulations and warm wishes to Christina, his wife of 15 years, his two sons, Richard, age 11, and Paul, age 7, as well as to all of Vincent's family, including his dear mother, Mrs. Dorothy Farri.

100TH ANNIVERSARY OF THE SAINT THOMAS AQUINAS CATHEDRAL

Mr. REID. Mr. President, I rise today to commemorate the 100th anniversary of the Saint Thomas Aquinas Cathedral in Reno.

Construction on Saint Thomas Aquinas began in 1906, after Reno's sole Catholic church was destroyed by fire. Father Thomas Tubman led the effort to build a new church for Reno Catholics. He planned to construct a larger, more centrally located church, explaining that "The time has come for making the structures in Reno attractive as well as useful. The Cathedral will be one of the finest buildings in the State."

On June 21, 1908, Saint Thomas Aquinas opened its doors to parishioners with a remarkable dedication ceremony. Over 3,000 people waited outside the new church long before the ceremony was set to begin. At 10:30, dozens of priests and bishops, 120 Knights of Columbus, 2 bands and hundreds of parishioners were led by the chief of police and 16 patrolmen in a march from the convent of the Sisters of Mary to Saint Thomas Aquinas Church. Upon arriving, the Knights of Columbus encircled the new church as Bishop Grace blessed the buildings exterior. A high mass was then celebrated with the church filled to capacity. About one hundred worshipers were unable to enter, and instead waited outside the building, listening to the beautiful music from the choir and organist.

To celebrate its centennial anniversary, Reno Catholics reenacted this special ceremony last month. They joined in procession once again and marched together to the Saint Thomas Aquinas Cathedral, where a celebratory

mass was held. As they marched, they rejoiced in 100 years of memories at their place of worship.

Today, Saint Thomas Aquinas Cathedral prominently stands in the heart of downtown Reno and will forever remain in the hearts of Catholics who have worshiped here in the last 100 years. I am pleased to honor Saint Thomas Aquinas Cathedral today. I know that it will continue to serve Nevadans as an outstanding religious institution for another 100 years.

RECOGNIZING ELIZABETH ANN "BETSY" RIEKE

Mr. REID. Mr. President, I rise today to recognize Ms. Betsy Rieke, a woman who has served my State and the West for nearly three decades. Like many of us in this body, Ms. Rieke is an attorney. Her specialty has been water issues, and, as many of my colleagues know well, being a water lawyer in the West is not a job for the faint of heart.

Ms. Rieke's experience in water law began in Arizona, where she served as Chief Legal Counsel and Director for the Department of Water Resources under former Gov. Bruce Babbitt. Ms. Rieke then served as an Assistant Secretary of the Interior for Water and Science in the Clinton administration. During her tenure, she helped negotiate the 1994 CALFED Bay-Delta Accord in California. This landmark agreement brought together numerous Federal, State, and local agencies and environmental enthusiasts to resolve a looming environmental and economic crisis. Honored several times for her important role in securing this accord, she did so in her trademark fashion—by bringing people together, leading difficult discussions, and helping parties find solutions to meet the community's diverse interests and goals.

In 1998, Ms. Rieke brought her expertise to Northern Nevada where she serves as the area manager for the Lahontan Area Office of the Bureau of Reclamation. In such an arid place, she's been responsible for irrigation, wetland restoration, wildlife protection, and maintaining drinking water for one of the fastest growing regions in the country. Like she did in Arizona and California, Ms. Rieke showed great leadership as she brought many Federal, State, municipal, tribal, public and private interests together to reach the historic Truckee River Operating Agreement to be signed next month—an issue close to me and important to many Nevadans.

I also appreciate her work with others to preserve and restore Nevada's desert terminal lakes, their wildlife, and habitats. She has fostered relationships and cobbled together agreements that have improved Pyramid Lake, and she has advised me on ways to restore Walker Lake. While many people have been working very hard, for many years, to restore Nevada's unique natural resources, Ms. Rieke's determination, focus, and tireless efforts provided leadership for these efforts.

I extend my most sincere gratitude to Betsy. Nevadans are certainly fortunate to have had such a talented, skilled, and committed individual working on their behalf.

SPECIAL OLYMPICS

Mr. DURBIN. Mr. President, I want to mark the anniversary of a great tradition, one that ties my home State of Illinois with the nation of Greece. The Special Olympics, which brings people with intellectual disabilities together for athletic competition, began 40 years ago this month.

In fact, the first Special Olympics were held on Soldier Field in Chicago. It all started when a young woman named Anne McGlone had an idea. She was a physical education instructor at West Pullman park on the southeast side. The Chicago Park district came to her to ask if she had any ideas to help kids with special needs.

Anne McGlone ran with it. She asked the Kennedy Foundation for a one-time donation of \$25,000 to put on the first Special Olympics. On July 20, 1968, about 1,000 athletes from 26 American States, and Canada, got together and ran, swam and played hockey.

Anne McGlone, now Anne Burke, went on to law school. She is now on the supreme court of the State of Illinois. But she kept working on the Special Olympics along the way.

With the continued support of Eunice and Sargent Shriver and the Kennedy foundation, the Special Olympics grew. Today, the Special Olympics is a huge international movement that has brought together millions of people with intellectual disabilities in 175 countries around the world. I congratulate the Special Olympics for 40 years of empowering people with intellectual disabilities.

Last summer, the Special Olympics summer games were held in Shanghai, China. Next time around, in 2011, they will be held in Athens, Greece. It is fitting for Greece, with its proud Olympic tradition, to host the Special Olympics, and I wish the Greek Government every success as it prepares to host the games.

Closer to home, the next Special Olympics winter games will be held in 2009 in Boise, ID. And even closer to home, just as Chicago hopes to host the next Olympic games in 2016, I hope that one day the Special Olympics will come back to Chicago, where it started 40 years ago.

TRIBUTE TO FRANK VAN BUER

Mr. DURBIN. Mr. President, I rise today to pay tribute to a selfless public servant from my great State of Illinois, Mayor Frank Van Buer, of DeKalb, who passed away July 23, 2008, after a battle with pancreatic cancer.

Mayor Van Buer was born in Savanna, IL, on the banks of the Mississippi River. While in high school, Frank worked as a union laborer and

truck driver. He joined the U.S. Air Force and spent 4 years in Germany and Libya. When he returned to the United States in 1957, Van Buer moved to DeKalb to attend Northern Illinois University, NIU. He earned a B.S. in social science in 1960 and completed a master's degree in economics in 1964. In 1968, Mayor Van Buer earned a Ph.D. in economics from the University of Illinois. He was tenured on the faculty of the Department of Economics at NIU in 1970, and taught there until 1995.

While on the NIU faculty, Mayor Van Buer gave generously of his skills in administration and budgeting. He directed NIU's Office of Budget and Planning, responsible for the administration of annual operating budgets in excess of \$100 million. And he traveled around the world, working in developing nations in Africa and Asia to provide technical assistance in planning and budgeting.

Mayor Van Buer was a man of integrity who strongly believed in open government. Mayor Van Buer was first elected by his community to the DeKalb County Board in 2002, and he was re-elected in 2004. He was elected mayor of DeKalb in 2005. During his tenure as mayor, he made it a priority to revitalize DeKalb's urban core.

In addition to his service at NIU and with the city of DeKalb, Mayor Van Buer was active in leadership with the Ben Gordon Mental Health Center and the Kishwaukee Symphony Orchestra.

My thoughts and prayers are with the mayor's family and friends, especially his wife of over 50 years, Mary Beth, their three children, and five grandchildren.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 187, a motion to invoke cloture on the motion to proceed to the consideration of S. 3186, the Low-Income Home Energy Assistance bill. Had I been present I would have voted "nay" and I ask that the CONGRESSIONAL RECORD reflect that.

FORECLOSURE PREVENTION ACT

Mr. HATCH. Mr. President, I am aware of and sympathize with families and individuals in Utah and around the country who, through no willful neglect or bad intentions of their own, are in very difficult circumstances as a result of turbulence in the housing market. Others in the housing industry who have also acted with prudence and good faith have also been caught up in the difficulty. We have had many votes on housing legislation over the past several months, and I have supported measures that I thought would help improve the current situation.

I also understand that housing is a significant sector that affects the broader economy. A stable housing market would go a long way to instilling confidence. My expectation is that

the housing sector will stabilize and I hope that it does so with as little exposure as possible to taxpayers.

Our last vote on the substance of the Foreclosure Prevention Act took place on July 11. The bill then went to the House of Representatives, and the House made a few changes and one major addition to the bill. It added what some have called a bailout for the government sponsored enterprises, GSEs.

Before the addition of the GSE provisions, we had a comprehensive bill that was the product of lengthy, bipartisan negotiations. It had provisions aimed at correcting some of the current problems, avoiding future problems, and providing incentive for positive activity in the housing market. Given the bipartisan nature of the bill, it contained many provisions that I support, including tax deductions and incentives.

However, this last addition to the housing bill, which we voted on for the first time today, combined with my other reservations, was more than I was willing to support. The CBO estimates that there is "a greater than 50 percent chance that the government would provide no financial assistance to the GSEs over the next 17 months." I hope the chances are greater than that, but this section of the bill accounts for well over half the cost of the bill. It has the potential, perhaps slight, of costing well into the hundreds of billions of dollars.

To touch on a couple other points of concern, this bill will delay the allocation of worldwide interest expensing rules that I championed in 2004. The delay was included to "pay" for other provisions of the bill. I am not sure that the tradeoff is static, and the same can be said of so many other efforts to offset spending by delaying or suspending tax incentives.

Finally, this bill will help some people who deserve it, but it will likely also help many irresponsible lenders, brokers, borrowers that do not. The bill now appears to be headed to the President, and he appears to be ready to sign the bill, in spite of his own reservations.

The housing market will recover. Again, I hope that it does so sooner than later and at the least cost possible to taxpayers. I expect that we will come away from the current situation better able to avoid similar problems in the future.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. HATCH. Mr. President, the Senate has voted on a motion to proceed to a vote on S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program, or LIHEAP. I have a long history of supporting the LIHEAP program and have voted for almost every increase in the program that has been proposed in Congress.

This vote was different. It was not a vote about making sure our low income

citizens have the heating and cooling assistance they need because they already do under the existing program. There is \$100 million still left in the program, and most of that money was for heating last winter. So what's the emergency here? On top of the existing surplus in the program, the program will also be fully funded for the coming winter when we pass a continuing resolution which will keep all the government programs running at the level they were funded last year. So let's not pretend that LIHEAP is not in place or that it won't be funded for the coming year.

Each year the Congress appropriates the Government funding needs through 13 appropriations bills. Each bill is handled by separate subcommittees of the full Senate Committee on Appropriations. I applaud the Appropriations Committee and its subcommittees, because they have done a good job of preparing and marking up their various appropriations bills.

But there's just one problem. Our majority leader has announced that we will not be passing any of those bills this year, and instead will be passing the continuing resolution I just referred to. Why this announcement? Why can't we pass any appropriations bills this year? Well, I can tell you Mr. President that the Republicans have many amendments prepared for those bills that would allow our Nation to produce more domestic oil, but the anti-oil extremists calling the shots in the Democrat Party cannot allow votes on finding more oil because they know such votes would succeed.

Unfortunately for the Democrat Party, the poor are beginning to wake up that the liberals they have always looked to are behind the war on the poor. By war on the poor I refer to the movement by the anti-oil extremists to close off every good domestic oil resource, which is a direct cause of the high energy prices Americans face.

Democrats in Congress have been forced to choose between the very well funded extreme anti-oil interests and the poor because on energy prices there is no compromise between the two. The Democrats have begun to recognize the position they are in, and were trying to have it both ways with this vote.

Let's be honest about why the Senate brought up this amendment. It is because the Democrats are trying to please the anti-oil extremists by not allowing any votes on oil drilling or on appropriations bills. At the same time the Democrats must pretend that they haven't really sold out the poor by their policies that force high gas prices.

I am not inclined to play their political game and support their effort to shift the debate away from unlocking our nation's energy potential. And I particularly was not inclined to support this vote, because the proposal busted the budget without providing any additional benefit to LIHEAP.

NAZI WAR CRIMINALS

Mr. SMITH. Mr. President, I rise today to commend Dr. Ephraim Zuroff and the Simon Wiesenthal Center for their efforts to track down the last Nazi war criminals from World War II. Their work is enormously important, both in bringing the guilty to justice and preventing future acts of genocide. The statute of limitations does not—must not—expire on crimes against humanity. Earlier this year, I introduced the World War II War Crimes Accountability Act with Sen. NELSON, which I hope will help Dr. Zuroff and the Simon Wiesenthal Center in their noble effort.

The barbarity of those crimes still echoes today, more than 63 years after the end of the war. June 28 of this year, for example, marked the 94th birthday of Dr. Aribert Heim, the second-most wanted Nazi war criminal still believed to be at large. Dr. Heim, a former SS concentration camp doctor, was nicknamed “Dr. Death” for his brutal and sadistic experiments on camp inmates. At Mauthausen, the camp where he committed his worst crimes, Dr. Heim was known for murdering inmates by injecting toxins directly into their hearts.

Unfortunately, despite the particularly heinous nature of Dr. Heim’s crimes, investigators into Heim’s whereabouts can still face official obstructionism. Germany, for example, is one of the few countries that still have an active Nazi-hunting unit. However, this team’s efforts have been impeded by the repeated refusals of the presiding German judge to allow the police task force sufficient investigative latitude. Such procedures, like wiretaps on suspected Heim associates, are granted in murder cases in Germany—just not, apparently, in mass-murder cases like Dr. Heim. This is this not the only instance of German bureaucratic obstructionism, which have been carefully monitored by the Simon Wiesenthal Center. Correspondingly, in the center’s 2007 Annual Report on Worldwide Investigation and Prosecution of Nazi War Criminals, Germany received a failing grade—its only failing grade since the report was first published in 2001. The German government should do its utmost to reverse this pattern before it becomes a trend.

The Simon Wiesenthal Center launched Operation: Last Chance in 2002, to identify and assist in the prosecution of the remaining Nazi war criminals still at large. Dr. Zuroff, who has been leading this effort, should be highly commended for his outstanding efforts in bringing the most guilty Nazis to justice.

Even today, the crimes of Heim and the Nazi regime strain our understanding of hate. Hitler’s Germany today is remembered only for its brutality, its mantra of genocide, and its culture of racism. And those last Nazis, who are waiting out their last days under the coming twilight, must not be allowed to go quietly into the night, as

did too many of their victims. For the souls that were lost, and even more for those that remain, there must be justice. I commend Dr. Zuroff and the Simon Wiesenthal Center in the highest possible terms, and urge the United States Government to do all it can to help them in their cause.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor on many occasions to highlight a separate violent, hate-motivated crime that has occurred in our country.

In the early morning of July 13, 2008, three gay men were dining at a late-night pizza restaurant in the Adams Morgan neighborhood of Washington, DC, when they were verbally assaulted by five men. The two groups allegedly exchanged heated words at the restaurant before the three gay men left and began to walk home. But the five men followed them in pursuit. According to the police report, the assailants continued to hurl anti-gay epithets and later physically attacked the three men, hospitalizing two of them. Police have not yet apprehended the suspects, but the investigation continues. Advisory neighborhood commissioner Jack Jacobsen, a friend of one of the victims, says the three men were shaken by the incident and have decided not to disclose their identities to news sources.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING RAIDER 21 CREW MEMBERS

Mr. VITTER. Mr. President, today I stand to recognize the six Air Force B-52 crew members of Raider 21 who made the ultimate sacrifice in service to their country. I would like take a few moments to honor their courage and heroism.

The crew was based at Barksdale Air Force Base in Louisiana and was deployed to Guam with the 20th Expeditionary Bomb Squadron as part of the U.S. military’s continuous bomber presence mission in the Pacific. The unarmed bomber crashed Monday, July 21, during a swing around the island as part of Guam Liberation Day celebrations, marking the day when the U.S. military arrived to retake control of the island from Japan during World

War II. The B-52 had been scheduled to conduct a flyover in a parade. The six crew members assigned to the 2nd Bomb Wing included MAJ Christopher M. Cooper, 33, aircraft commander; MAJ Brent D. Williams, 37, navigator; CPT Michael K. Dodson, 31, copilot; 1LT. Joshua D. Shepherd, 25, navigator; 1LT. Robert D. Gerren, 32, electronic warfare officer; and COL George Martin, 51, flight surgeon, who also was the deputy commander of 36th Medical Group at Anderson Air Force Base.

B-52s have been the backbone of the U.S. military’s manned strategic bomber force for more than four decades, used for missions from attacks to ocean surveillance. They are capable of dropping or launching the widest array of weapons in the U.S. inventory, including cluster bombs and precision guided missiles. B-52s were first placed into service in 1955, and 93 remain in the Air Force’s fleet. The Air Force has been rotating B-1, B-2 and B-52 bombers through Guam since 2004 to boost the U.S. security presence in the Asia-Pacific region.

Search operations continue in the Pacific Ocean sadly, they are primarily for the recovery of debris that may aid in the investigation of the crash. The 8th Air Force Museum in Shreveport, LA, has created a memorial to the crew members that will be at the museum for 30 days. Those wishing to express condolences and pay tribute to the crew are welcome to sign a remembrance book. The book will be shared with the families and eventually presented to the 20th Bomb Squadron. In addition to the book, the memorial consists of framed photographs of each of the crew members, six pairs of flight boots and six flight helmets as well as other items from the 2nd Bomb Wing.

There is no doubt July 21 was a tragic day, not only for the families of the fallen crew members but for the B-52 family, the community, and this Nation. Our thoughts and prayers continue to be with the families of these airmen and our hearts grieve for their loss.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.

HONORING JIM MAGAGNA

Mr. BARRASSO. Mr. President, I am pleased to recognize the accomplishments of Jim Magagna, 2008 inductee into the Wyoming Agricultural Hall of Fame.

Jim Magagna has spent much of his life fighting for Wyoming agriculture interests at the local, regional and national level. A third generation sheep rancher from southwest Wyoming, Jim is the president and manager of Magagna Bros, Inc.

Jim has a long history of service to Wyoming’s ranchers and farmers. He has served as president for agricultural groups including the Wyoming Wool Growers Association and the National

Public Lands Council. He now serves as the executive vice president of the 135-year-old Wyoming Stock Growers Association.

One of many noteworthy efforts, Jim directed the implementation of the Wyoming Stock Growers Agricultural Land Trust. The trust provides farmers and ranchers with conservation opportunities to remain productive and independent. Jim's dedication to the interests of Wyoming agriculture has created a legacy that will serve Wyoming well for decades to come.

It gives me great pleasure to honor Jim Magagna, a true Wyoming cowboy. He continues to uphold one of the most trusted, respected, and revered ways of life in America.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I am a widow with a disabled child. Our family lives on social security payments and what I make as a substitute teacher. My son's condition requires frequent trips to the doctor both in Idaho Falls and to Salt Lake City. The rising cost of gas has significantly impacted our ability to travel.

The cost of electricity is another issue that affects us each month. As electricity costs rise our discretionary income, already limited, becomes less.

These problems, in combination with the rising cost of other services dependent on transportation, have put our family in an increasingly desperate situation. The future does not look good from where we sit!

KARY.

We are 70 years old and active seniors on a fixed income. Energy costs are becoming a burden for us and we will begin to go into our reserves for future years. Gas prices are obviously a problem but the cost of groceries is also a big item. We have one car and my husband rides a bicycle as much as possible. I walk to places when destinations are close enough. We are concerned about being good stewards of our environment and do what we can, e.g., recycling, using less gas, using fans instead of an air conditioner when practical, raising some of our own food, planting trees on our property, and conserving water.

We are disgusted that we are the victims of bogus global warming fanatics, environ-

mentalists, and opportunists. Ethanol, which has not been proven to be efficient or good for engines, is using up corn that was used for food and livestock feed thus raising food costs.

There are reserves in our own soil that could be used. Other countries are drilling off our shores so why can't we drill since this would not create any more risk than is already present? Nuclear energy is a good, clean option and there are some plants already built but not in use.

ALLEN and JANE, *Nampa*.

What is there to say? Energy costs simply make it harder to get by. There is less money for the extra things we enjoy doing and with a new baby on the way there will be less money to set aside to take care of him. As a student of economics, I realize there are many factors that are contributing to the increase gas prices. The recent reckless policies of the Federal Reserve have caused incredible inflation and a weakening dollar. There needs to be more competition in the energy sector, massive deregulation as well as ending government subsidies for the alternative energy sources the government, not scientists or businesses, deem best—[these are] drawing resources away from other potential alternate energy sources.

Expanding domestic oil production and other clean energy sources like nuclear power would also help, as increased competition helps drive down prices.

VERL.

Thank you for allowing me to share a few of my views on the current energy and fuel challenges facing the United States and the entire world population, and how my family is coping.

First, and most importantly, the solution cannot be found in building more nuclear plants. Nuclear facilities that use old technology, construction methods, placed in areas of social or natural upheaval, and that generate radioactive refuse that cannot be safely managed, must never be considered. The recent earthquakes world-wide, coupled with terrorist use of "dirty" bombs are two very real considerations when contemplating nuclear energy.

However, I would consider the research and development of Thorium nuclear energy (creates and uses all of its radioactive byproduct).

Second, and equally important, should be the emphasis on solar for almost every power/energy application. There should be a requirement that all new construction utilize solar heating and cooling, hot-water tanks; southern facing buildings and homes; and the retro-fitting of homes for the elderly and low-income with solar energy products should be part all social service projects. Automobiles should certainly be manufactured utilizing some form of solar power.

Third, conservation. Conservation can take many avenues from lowering the speed limit to 55 mph again, to cutting back to the shorter work week and longer work day (schools can also be conducted on a four day basis saving heating/cooling, electricity, bus-ing, commuting, etc.) After reading about the impact rising fuel costs are having on the U.S. Postal Service, perhaps it is time to curtail Saturday mail delivery to homes and businesses. Special delivery on a Saturday can be done, for an additional fee, by such companies as UPS or Fed-Ex.

My husband and I are baby-boomers and will soon be feeling the reality of a fixed income. He is retired and on Social Security (just received his Medicare card), and I am working for the school district (low wage as a paraprofessional working with Title I reading students). Rising prices at the grocery

stores are certainly having an effect on our ability to eat healthy foods, and the rising cost of our co-pay for drugs and medical services is outrageous. We have just refurbished our old bicycles (one is a 1965 Schwinn) as a way to get around and exercise too. We practice the wise counsel of our parents for living simply, and we continue to keep informed/educated in matters of material and spiritual importance.

"Be anxiously concerned with the needs of the age ye live in, and centre your deliberations on its exigencies and requirements."—The Tabernacle of Unity, by Baha'u'llah.

Thank you for your time.

CAROL, *Post Falls*.

It is lovely to be hearing your solicitation for stories regarding our current energy market. I live in Boise, and have a 7 to 8 mile commute to work. To date, the higher gas prices aren't directly affecting me too badly, because I do use public transportation. I am disappointed that you are willing to throw your hands up and say "there is not public transportation." There is. And if you do not work to encourage people to use it, it will continue to be a mediocre service. As prices are rising there is a huge new interest in the bus in Boise—ridership on my route to work is easily up 50 percent this year compared to last.

You are right, the bus is limited, there are far too few routes, and the schedules are very sparse—I work a salaried job and occasionally need to work late—the last bus to come by my work place is at 6:30, and then with that, I will miss the last bus to go from downtown the rest of the way home, and have to walk a mile and a half home.

However, I am excited at the current situation, because as more people ride the bus, there's more chance for routes and schedules to expand to make it even more useful. It would be valuable to have your support to help scale our public transit system to a level where people do not have the excuses of "it does not come close to my house," or "but I have to wait an hour for the next bus after buying my groceries."

MICHAEL, *Boise*.

My husband and I are on a very limited budget, and so are very careful to watch where our money goes. I am a graduate student at Idaho State University, and have a 25 mile commute to campus. If I do not have to be working in my lab, or taking/teaching a class, I telecommute. With high-speed internet and a cell phone, I can work at least as efficiently from home, thus saving miles driven. I drive a 1995 Ford Escort wagon with nearly 200,000 miles on her. I get over 40 miles to the gallon, and the recent increase in gas prices has meant that it costs me approximately \$30 to fill my tank instead of \$20. I combine shopping trips to reduce extra mileage, and purchase many items online, since it is nearly impossible for me to find what I need in Pocatello anyhow.

In all, I am not concerned with the increased gas prices. I have known for decades that it was inevitable, and believe strongly in conservation for ethical reasons as well as environmental reasons. I am very disappointed to see our country continue to thwart the implementation of much-needed conservation legislation, instead hiding behind talk of exploring options at home. There is only one way to fix this problem, to reduce demand. We have become a fat, bloated nation unwilling to engage in the ideals of thriftiness and invention that once made us [leaders], and now have us falling behind the European and Asian nations like a spoiled child.

I urge you to embrace conservation legislation now, before it becomes more painful for our nation.

PAMELA, *Lava Hot Springs*.

Reserve natural gas for just home use. Do not allow it to be used to fire generators or any other plants. Reserve it for our future for our homes. There is plenty of coal for that.

You have got to figure out a way to override the liberals and their agendas. They will destroy us and the whole world.

VERA and BOB.

Senator, are you sure your figures are correct? \$50.00 per month more is not very much; it is only equivalent to one fill-up or less. . . .

My story is that I live near Gibbonsville, Idaho, 30 miles from the economically-depressed town of Salmon. Most of the inhabitants of the area are on a fixed income and the gas prices are crippling to the budget of many. I personally drive to town only once a week now to teach piano lessons and get groceries . . . I used to go more often and attend social events as well. My husband works outside of the area as there are few ways to make a living in this area. He drives 2 hours to the nearest airport in Missoula, Montana and then flies to his job, returning home every two weeks for 10 days. We know of many others who travel to work outside of this area for the same reason . . . no industry around here. My husband is considering only coming home once every six weeks now, a family hardship—or perhaps I will move away from the area and join him. The increased cost of traveling has shrunk his take home pay significantly. Obviously the huge increase in the cost of gas is a hardship to any one in this type of situation—and there are many, many people who travel to support their families.

Thanks for the chance to (hopefully) make a difference.

CHRISTINE, *Gibbonsville*.

It is time that all in the United States Senate and Congress got on board of the Drill Here, Drill Now Program. I hope that you are on board with this program.

Vic, *Gibbonsville*.

Gas prices affect almost every aspect of our lives. We usually take a few trips a year to Utah to visit family, but have limited ourselves to one this year. We will be sticking close to home. Things like driving a half-hour to Rexburg we used to not think anything about, but now we have to evaluate all of our activities to see if it is worth the gas money to participate. Raising young kids, it has been a priority for me to stay home with them, but we are wondering if it will always be possible with the rising cost of living. Please do what you can to keep costs down!

Sincerely,

JULIE, *Ammon*.

The high energy prices are choking me!! Your liberal colleagues are helping destroy our great nation!! All kinds of oil available from our close neighbors like Canada and Mexico!! Your friends in Washington, D.C. are wearing blinders!! No new plants have been built in 24 years!! How can you buck such stupidity? Good luck!

JAMES.

We are retired and energy costs are a big item. A clear majority of the American people approve of drilling in ANWR, off-shore, oil shale, gasification from coal . . . all now! Other countries like Norway, Brazil, Africa are going to think twice about selling us oil when we won't drill for our own reserves! Obviously nuclear, wind, water, etc., are important but it has to be all of these efforts not a choice of one or the other. Right now, we should start drilling . . . Do not underesti-

mate the frustration of the voters with Congress.

Thanks for listening.

BOB and JANE, *Hayden*.

We live in rural Gooding, Idaho. We are 35 miles from the nearest department stores. My husband is an insurance agent and has to travel to inspect the homes he insures and to service all of his clients. We also build one or two homes a year in a family partnership to help our children earn money for college. Our children go to a university that is 250 miles away. Our married children live 150-200 miles away. Driving long distances is a necessity and public transportation is not an option. We would not use it if we had it. We have to have our vehicles for our work. The "city dwellers" in Congress apparently have no idea how much we depend on and need our trucks and cars. We need our lawmakers and the environmentalists to get out of the way and let the big oil companies do what they do best, drill for and refine oil. In the midst of the presidential debates of the recent months, we hear a lot of empty rhetoric coming from Washington and elsewhere. I want to hear from the realists who believe in the phrase I have been hearing on Talk Radio: "Drill here, drill now, pay less." I want my \$2 a gallon (or less) gasoline back and I do not want to hear that it is not possible. It is possible, and we want the Senate and House to get some guts and tell the environmentalist whackos that we are all done playing their games! Conservation is not the answer. Alternative fuels are not the answer. More domestic production is the answer. I am just an average citizen and I know what needs done. What ever happened to common sense?

Thanks for asking for my opinion. Not that it will do any good, but I had to try.

DEBY, *Gooding*.

We are just your "average" Idaho family. Mom and Dad both work and we have four children. We used to have a few dollars left after bills every month to just barely take care of the extra things that pop up—scout camp, new shoes for the kids, medical bills, a birthday gift . . . That is not the case anymore. Not only do we spend more a month on gasoline, we are also spending more on groceries and household items because prices on those have also increased due to energy cost increases. I used to be able to feed my family on a certain budget amount every month. Now, we are dipping into other budgets just to put enough food on the table. The "other budgets" are monies we used to use to pay medical bills and other expenses. One can imagine what is happening to those items and obligations now.

We have planted a huge garden in hopes of using it to help take the edge off some of our grocery expenses but that won't take care of everything. Children need shoes. Medical bills have to get paid. You cannot buy shoes or pay bills with veggies from your garden. We live too far away from our jobs to ride bikes and one of us works until midnight, making it unsafe to ride a bike home anyway.

We just keep hoping that our government will see that the "average" family is suffering and that they will do something about it. Perhaps nothing will get done until it hits their homes as hard as it has hit the "average" family. Sad commentary on the state of things in America though, because there are more "average" families out there than there are wealthy families and/or those who are benefiting from the high oil prices. So, more people are suffering than are not and it does not feel like our government cares. Something can and must be done.

When it is said that families are suffering, that means children are suffering—and chil-

dren should not be made to suffer because of someone else's greed.

GAYLE, *Ammon*.

My husband and I are fearful of how rising oil prices will affect our family and all those around us. If it was just an increase in our personal gasoline usage we might be able to get by. However, it goes so far beyond that, affecting the cost of everything else used in our lives. We already see food prices going up, and expect to see everything else follow suit. Most families like ours are on a tight budget and have started to look at what to give up to continue to pay all the bills. We now wonder if prices continue to climb much further if it will cost us the eventual loss of our home to foreclosure.

We see the domino effect on how oil prices touch most aspects of our lives. When everyone starts cutting back, so will the need for as many employees. Thus, will high prices and high unemployment lead us into another depression? Is the United States of America, as the world leader in strength and independence, a thing of the past? Will our children grow up, like so many in other countries, longing to leave and seek residence elsewhere? We fear the feeling of hopelessness and it is spread throughout our nation. Is it too late?

We will continue to pray for our government and the decisions it makes. Thank you for your time.

BARBARA, *Emmett*.

As you know the price of everything has risen because of the tremendous cost of transportation. Those of us on a "fixed" income are really suffering. Let us utilize our own oil fields. Bring our troops home; this will decrease our need for oil . . . Our tax money is needed at home! Thank you for your time.

RODGER, *Lewiston*.

ADDITIONAL STATEMENTS

CONGRATULATING THE MAINE STATE MUSIC THEATRE

● Ms. COLLINS. Mr. President, I congratulate the Maine State Music Theatre on its 50th anniversary season and commend them for their continued commitment to high-quality artistic productions.

The Maine State Music Theatre is one of the few resident stock theater companies dedicated strictly to musical theater. It provides professional musical productions not only for Maine residents but also for hundreds of summer residents who benefit the Maine economy each year. That is one of the reasons that I was pleased to be able to secure \$245,000 in Federal funding last year for their continued efforts to develop their facilities.

I remain an ardent supporter of the Maine State Music Theatre. I send my best wishes as the theatre celebrates its 50th year of presenting musical production and wish all involved an equally successful next 50 years.●

REMEMBERING FRANK STROUD

● Mr. DODD. Mr. President, I come to the floor today to honor a man we recently lost—a remarkable individual full of warmth and generous of spirit.

My wife Jackie and I came to know Frank Stroud as a doctor at the Spring Valley Pediatrics practice to which we take our daughters. But before Frank was one of our daughter's doctors, he was a friend.

My father said at the end of his life that he hadn't regretted a moment of his career in public life because no other calling gave him the opportunity to impact the lives of so many people.

He might have said otherwise had he met Frank Stroud.

Frank had a remarkable capacity for remembering every detail about you. His ability to make casual acquaintances feel like old childhood friends would have made Members of the Senate green with envy.

But public office wasn't his vocation. Nor was the seminary, which he contemplated entering. As his children say, Frank found a higher calling:

Helping children—which Frank did for nearly four decades, specializing in helping children struggling with learning disabilities such as attention-deficit disorder.

But politics was certainly never far from his mind—or his work. His wife Kandy, whom he loved dearly, worked for the Democratic National Committee.

As Terry McAuliffe once said, Frank became "the pediatrician for the Democrats," having treated Al Gore's children and Smith Bagley's, among others. And 40 years ago this year, Frank became medical director at the Office of Economic Opportunity which was, of course, at the very center of President Johnson's War on Poverty.

We all have unique experiences in our lives that shape the person we become. In Frank's case, one of those experiences was that he was raised by a single mother. One of his children said in his eulogy of his father words that are so poignant today:

"At a big party, he would make sure to dance with all the single ladies as though he knew what it felt like for his mother to sit along the edges of the dance floor."

Frank passed away a little over a month ago. At the time, he was doing what he always does: caring for someone other than himself—in this case, his beloved mother Lila, from whom his strength of character was surely handed down.

And so today, I wish to extend our thoughts and prayers to Kandy, their three children and the entire Stroud family, and quote the words in his obituary, which read:

The innocence of a child,
The elegance of a Prince,
And the generosity of a Saint,
Frank Stroud was a majestic human being.

Indeed, he was. Frank will be missed. His memory will remain, his legacy will endure, for as long as the children he cared for grow into the healthy adults Frank always believed they could. And because of Frank Stroud, they most certainly will.●

25TH ANNIVERSARY OF KILI RADIO

● Mr. JOHNSON. Mr. President, today I celebrate the 25th anniversary of KILI Radio on the Pine Ridge Indian Reservation. For 25 years, this radio station has served as the Voice of the Lakota Nation. It serves as an important communications tool for members of the Oglala Sioux Tribe, some western residents of the Rosebud Sioux Tribe and the general listening public in a region that reaches as far as the sacred Black Hills.

At times throughout its history, this radio station has served as an important part of the Emergency Broadcast System, getting word to listeners of severe weather, fire, or other emergency situations on the horizon. It also serves as a vital tool to inform people about community meetings, educational opportunities, danger prevention activities, and others. KILI Radio also plays a crucial role in maintaining the Lakota language on the reservation, with its DJs and other programming hosts often speaking in Lakota or with Lakota-speaking guests. The station's coverage of sporting events is exceptionally popular with KILI listeners and is one of the station's top-ranked areas of programming.

Perched atop Porcupine Butte, KILI Radio plays an integral part of life on the Pine Ridge Reservation. Without its existence, lives may have been lost to emergency situations it reported over the airwaves. Lakota language preservation efforts would also have languished. I applaud KILI Radio for working tirelessly to preserve the Lakota language and culture while also promoting, educating, and entertaining listeners with the good news of Lakota youth, elders, and entrepreneurs. Whether it is coverage of basketball tournaments, conferences on issues of importance to the Lakota people or holding politicians' feet to the fire, KILI Radio is a way of life for the Pine Ridge community. I wish to commend the efforts of all of KILI Radio's staff and volunteers I especially want to congratulate Tom Casey on 23 years of service to the radio station. He serves both as a radio voice, and a man behind the scenes to ensure KILI's survival.

I would also like to recognize the efforts of those who came together with the vision for the wind turbine that was erected earlier this month. On a practical level, the turbine will generate energy to power the radio station and its electrical needs. One cannot overlook the symbolism however, to imagine KILI Radio again operating off the grid, and on its own terms. Congratulations, KILI Radio on your silver anniversary and thank you for all that you have done and all that you continue to do.●

TRIBUTE TO BRIGADIER GENERAL JOHN W. PEABODY

● Mr. STEVENS. Mr. President, BG John W. Peabody has served as com-

mander and division engineer for the Pacific Ocean Division, U.S. Army Corps of Engineers since July, 2005.

I relied on General Peabody to help resolve the crisis of coastal erosion in my State of Alaska.

He was instrumental in developing a partnership between State, Federal and local agencies dedicated to helping our communities deal with the effects of coastal erosion.

Under his leadership and commitment our Army Engineer District, Far East, has begun the Korea relocation program, moving our forces and their families to new, state-of-the-art facilities south of Seoul.

In Japan, General Peabody directed the largest military construction program in the history of our Corps of Engineers. USAED, Japan completed over 500 projects, greatly enhancing our operational readiness level and significantly improving the quality of life for our service men and women and their families living in that country.

Brigadier General Peabody oversaw the construction of the Stryker Brigade stationing facilities at Schofield Barracks, HI. Those new facilities allow our soldiers to train for contingencies throughout the Pacific region and around the world.

Brigadier General Peabody's professionalism, caring leadership, and devotion are in keeping with the proudest traditions of our military, and reflect great credit upon himself, the U.S. Army Corps of Engineers, and the U.S. Army.●

TRIBUTE TO GRAHAM NEWELL

● Mr. SANDERS. Mr. President, the State of Vermont has lost one of its greatest teachers, Graham Newell. I wish to honor this remarkable man, an important figure in our State's history in government as well as throughout its system of education.

A seventh generation Vermonter who grew up in the Northeast Kingdom of Vermont, Newell returned to Vermont to teach after earning his degree in classics from the University of Chicago. For eight decades he was the quintessential educator, beginning and ending at his beloved St. Johnsbury Academy and teaching history and social sciences to college students for many years as well, serving as a professor and chair of the Social Sciences Department at Lyndon State College.

Graham Newell was a man who so highly regarded the field of education that he entered politics to be its champion in the State legislature. First elected to the Vermont House in 1953, and later elected to the Vermont Senate, he served as the chairman of both the House and Senate Education Committees. Throughout his tenure in the legislature in Montpelier, Graham Newell worked tirelessly to ensure educational opportunities for students with disabilities. Indeed, Vermont's special education bill preceded comparable legislation on the Federal level

by 20 years. He was also instrumental in the formation of the Vermont State College system and he authored a fair dismissal bill for educators.

Although Graham Newell was a Vermont delegate to the Republican National Convention in 1956 and 1964, he was one of the great practitioners of a long Vermont tradition of non-partisan politics. He became involved in government reform, serving on the Little Hoover Commission that reorganized Vermont's State agencies, and he was appointed by President Kennedy to the National Advisory Commission on Inter-Governmental Relations. A founding member of the American Civil Liberties Union of Vermont, he championed a strict separation of church and State by opposing public busing for parochial schools.

As the resident Vermont historian at Lyndon State, he was responsible for naming all of its buildings after notable Vermonters. And, in a wonderful instance of turnabout is fair play, St. Johnsbury Academy recently honored him by renaming its foreign languages building Newell Hall.

Above all he valued equality and equal opportunity, principles that no doubt derived from his Vermont upbringing, his long study and admiration for Roman history and from his work in education.

Graham Newell taught Latin at St. Johnsbury Academy well into his nineties, long after he retired from his professorship at Lyndon State College. The indelible mark he made on the communities of St. Johnsbury and Lyndonville will not soon be forgotten. These communities need only look to the countless students whose lives he touched to see the effect he had on them.

Mr. Newell earned countless awards as an outstanding educator, historian and model citizen, including being named the Vermont Chamber of Commerce's Man of the Year in 2005.

It is exemplary citizens such as Graham Newell who have earned Vermont its reputation for civic leadership and principled politics, for sound reasoning in government, and for rising above partisan labels. Today, we honor his memory by recognizing his great commitments: to responsible citizenship, to superior education for all, to teaching, and to public service, and to shaping a future that will be worthy of our past.●

RETIREMENT OF GENERAL RICHARD CODY

● Mr. STEVENS. Mr. President, after 36 years of service to our Nation, GEN Dick Cody will conclude his military career on August 1. I salute his leadership and honor his lovely wife Vicki, for her invaluable support of her husband and our soldiers.

Dick Cody began his service more than 40 years ago, leaving his family's car dealership in Vermont and reporting to West Point.

He has served our Nation on battlefields and bases around the world, commanding our soldiers, including the famed Screaming Eagles of our 101st Airborne Division.

General Cody's service as operations officer and later vice chief of staff, reminds me of GEN George C. Marshall's service as our Army's Chief of Staff during World War II. Marshall noted that before the war, he had "time" to prepare the Army, but "no money."

After France fell to the Nazis, Marshall said he had "money, but no time." Dick Cody faced similar circumstances and deserves our gratitude for preparing our soldiers to fight the war against terrorism.

Our Army entered this war with significant equipment shortages. Our forces were organized to fight the Cold War rather than the vastly different global war on terror.

Since September 11, 2001, with funds provided by Congress, Cody has directed the fielding of 94 new Army equipment programs worth over \$100 billion. He orchestrated the Army's largest restationing and construction program in 70 years. He directed the most sweeping transformation of our Army since the dawn of mechanized warfare.

He oversaw the conversion of our Reserve components to a critical part of our operational forces, and supervised the addition of 65,000 new soldiers to our forces. He has also been instrumental in ensuring our wounded soldiers receive the treatment and care which they deserve.

Vicki Cody supported her husband, and his soldiers, throughout their 33 years of marriage. She cared for our military families during training missions and deployments, often while her own husband was serving far from his family.

Dick and Vicki raised two sons, Clint and Tyler, both U.S. Army captains, with six combat deployments between them. When young Dick Cody left Vermont, and Cody Chevrolet, he truly started a new "family business."

Our Nation is grateful for his leadership, and we wish him and Vicki all the best as they begin a new chapter of their lives.●

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 5:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled joint resolution:

H.J. Res. 93. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3344. A bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3348. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

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-7253. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of the rule "17 CFR Parts 36 and 40 (73 FR 8599, February 14, 2008), Amendments Pertinent to Registered Entities and Exempt Commercial Markets" (RIN3038-AC39) received on July 24, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7254. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral John G. Cotton, United States Navy Reserve, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7255. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Charles E. Croom, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7256. A communication from the Under Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John F. Goodman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7257. A communication from the Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on the transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC-7258. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary rule (Closure of the Trimester II Directed Fishery for Loligo Squid)" (RIN0648-XJ06) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7259. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Mexico" (RIN0648-XJ09) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7260. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department

of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska" (RIN0648-XJ10) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7261. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Gulf of Alaska" (RIN0648-XJ07) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7262. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XD56) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7263. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Observer Requirement for Fisheries" (RIN0648-AU81) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7264. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XB28) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7265. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approval of Haddock Rope Trawl Gear Use in Two Special Management Programs of the Northeast Multispecies Fishery Management Plan" (RIN0648-AW53) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7266. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (ID No. 021407E) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7267. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XD72) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7268. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish; Effectiveness of Permit and Reporting Requirements" (RIN0648-AU22) received on July 24,

2008; to the Committee on Commerce, Science, and Transportation.

EC-7269. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (ID No. 022707B) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7270. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XE62) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7271. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-AU90) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7272. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XE66) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7273. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-AS01) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7274. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (ID No. 022707C) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7275. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XD38) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7276. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment to 50 CFR 680.40(j)(3)(i) and (j)(3)(i) and (j)(3)(ii)" (RIN0648-AW88) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7277. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XE66) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7278. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additional Protocol Regulations" (RIN0694-AD26) received on July 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7279. A communication from the Secretary of Health and Human Services, transmitting a draft bill intended to amend title IV-D of the Social Security Act to make changes necessary to ensure that the United States will be able to comply fully with the requirements of any multilateral child support convention to which the United States is a party; to the Committee on Finance.

EC-7280. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cost Allocation Methodology Applicable to the Temporary Assistance for Needy Families Program" (RIN0970-AC15) received on July 24, 2008; to the Committee on Finance.

EC-7281. A communication from the Acting Social Security Administration Regulations Officer, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Changes to the Title II Amendments" (RIN0960-AG43) received on July 24, 2008; to the Committee on Finance.

EC-7282. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Farmer and Fisherman Income Averaging" (RIN1545-BE39) received on July 24, 2008; to the Committee on Finance.

EC-7283. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2008" (Rev. Rule 2008-43) received on July 24, 2008; to the Committee on Finance.

EC-7284. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Missouri" (Notice No. 2008-66) received on July 24, 2008; to the Committee on Finance.

EC-7285. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$50,000,000 or more to the Government of the Republic of Korea; to the Committee on Foreign Relations.

EC-7286. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to support the replication of the Have Quick I/II and

SATURN Electronic Counter-Counter Measure for integration into Radio Communications Equipment; to the Committee on Foreign Relations.

EC-7287. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification involving the temporary export of a commercial communications satellite to Russia and Kazakhstan for launch in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7288. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Intensive Confinement Center Program Final Rule" (RIN1120-AB39) received on July 24, 2008; to the Committee on the Judiciary.

EC-7289. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Work and Performance Pay Program: Reduction in Pay for Drug and Alcohol-Related Disciplinary Offenses Final Rule" (RIN1120-AB33) received on July 24, 2008; to the Committee on the Judiciary.

EC-7290. A joint communication from the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report entitled, "Annual Report of the Pension Benefit Guaranty Corporation"; to the Committee on Health, Education, Labor, and Pensions.

EC-7291. A communication from the Secretary and Director, Office of Secretary and Administration, Postal Regulatory Commission, the report of a nomination for the position of Commissioner, Postal Regulatory Commission received on July 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations" (44 CFR Part 65) received on July 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (73 CFR Part 64) received on July 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7294. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts for FEMA-3287-EM in the State of California has exceeded the \$5,000,000 limit; to the Committee on Homeland Security and Governmental Affairs.

EC-7295. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2009"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the na-

ture of a substitute and an amendment to the title:

H.R. 4056. A bill to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1703. A bill to prevent and reduce trafficking in persons.

S. 2756. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

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. 3346. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Finance.

By Mr. CASEY:

S. 3347. A bill to amend the Elementary and Secondary Education Act of 1965 to create a demonstration project to fund additional secondary school counselors in troubled title I schools to reduce the dropout rate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN:

S. 3348. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes; read the first time.

By Ms. COLLINS:

S. 3349. A bill to increase energy assistance for low-income persons, to extend energy tax incentives, and for other purpose; to the Committee on Finance.

By Mr. SCHUMER:

S. 3350. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BIDEN (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 3351. A bill to enhance drug trafficking interdiction by creating a Federal felony for operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Mr. KENNEDY):

S. 3352. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CASEY (for himself, Mrs. McCASKILL, Mr. SPECTER, Mr. CORNYN, and Mr. CARDIN):

S. Con. Res. 95. A concurrent resolution expressing the sense of Congress that a site to be selected by the Secretary of the Army should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces who lost their lives in the air

crash at Bakers Creek, Australia, on June 14, 1943; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 535

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Florida (Mr. NELSON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 1177

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1201

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1201, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors 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. 1492

At the request of Mr. INOUE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1576

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1576, a bill to amend the Public Health

Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1581

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1581, a bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1846

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2270

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cospon-

sor of S. 2270, a bill to include health centers in the list of entities eligible for mortgage insurance under the National Housing Act.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2458

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2458, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2609

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2609, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2643

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2643, a bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors 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 name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor 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. 2723

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2839

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2839, a bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes.

S. 2851

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayers' liability by tax return preparers.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3108

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3108, a bill to require the President to call a White House Conference on Food and Nutrition.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3245

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3245, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 3257

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3257, a bill to extend immigration programs to promote legal immigration and for other purposes.

S. 3337

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the "Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use".

S.J. RES. 45

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S.J. Res. 45, a joint resolution expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin.

S. RES. 618

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. RES. 624

At the request of Mr. WHITEHOUSE, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 624, a resolution designating August 2008 as "National Truancy Prevention Month".

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from North Carolina (Mr. BURR), the Senator from New York (Mrs. CLINTON), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 627

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. MENENDEZ), the Sen-

ator from Nebraska (Mr. HAGEL), the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mrs. DOLE), the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. COBURN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 3349. A bill to increase energy assistance for low-income persons, to extend energy tax incentives, and for other purpose; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Energy Assistance Act of 2008, legislation which would assist people who want to invest in energy conservation and alternative energy technologies and help set us on a path toward energy independence.

As I visit communities around the State of Maine, I hear time and again that the high cost of energy is causing a crisis for many of our citizens. Rapidly increasing prices for home heating oil, gasoline and diesel fuel are a huge burden for many families, truckers, and small businesses. High oil prices affect virtually every corner of the economy, in Maine and throughout the country, and are a significant cause of the current economic downturn.

Mr. President, I am concerned that in this difficult economy, investments in energy conservation and alternative energy improvements are simply too costly for many American families and small businesses. For example, under the present code, taxpayers who install energy efficient windows receive a 10 percent tax credit, up to \$200, and taxpayers who install solar water heating systems receive a credit of 30 percent, up to a total of \$2000. In both instances, the investment which must be made by the taxpayer far exceeds the credit amount.

With oil prices as high as they are, most families and small businesses are already scrimping and saving to make ends meet, and they do not have the money to finance the gap between the tax credit we provide and the cost of the investment. Ironically, the higher oil prices climb, the harder it will be for taxpayers to bridge this gap.

The legislation I am introducing today calls for additional loan authority to support current Federal programs that help families and small businesses finance energy efficiency improvements. It also would provide much-needed grants for low-income individuals who cannot benefit from either tax credits or low-interest loans. These proposals, taken together, would

go a long way toward achieving greater energy efficiency and reducing our Nation's dependence on foreign oil.

The loan authority I am proposing would expand existing Federal programs that make low-interest loans to individuals and small businesses for energy efficiency improvements. This new loan authority would be made available through a new energy assistance revolving loan fund within the Treasury Department. Individuals who make less than 115 percent of the median area income would be able to apply for low-interest loans to cover the difference between the tax credits available for energy efficiency improvements and up to 90 percent of the cost of those improvements. The Federal agencies can make these loans directly, or through their lender networks.

USDA, HUD, and other Federal agencies already have programs that can make loans of this kind to individuals. Small businesses can seek low-interest loans for energy efficiency improvements under existing loan programs such as the SBA's 7(a) program. The revolving loan fund called for by my bill will enable these agencies to offer more loans to the individuals and small businesses.

It is also important that we provide assistance to low-income individuals who do not have the income to benefit from tax credits, or who cannot afford to finance energy improvements even with low-interest loans. These individuals, especially, are still reeling from last winter's high energy prices, and it is critically important that they receive assistance before cold weather sets in again. To help those who are most in need, my bill would provide an additional \$500 million in funding this year for grants for energy efficiency, weatherization, and renewable energy technology, and would double funding for the Weatherization Assistance Program. These grants will finance investments that will decrease energy prices for these citizens for years to come and are a wise investment.

My legislation also includes several proposals I have long advocated. I have included these proposals so that this bill captures an overall picture of the energy challenges that our Nation faces. For example, this bill extends important tax incentives for renewable energy and energy efficiency that have expired, or are about to expire. These provisions include the renewable energy production tax credit, Clean Renewable Energy Bonds, tax benefits for energy efficient buildings, products and power plants, the tax credit for Plug-In Hybrid vehicles, the exemption from the heavy vehicles excise tax for idling reduction units and advanced insulation, and energy efficiency tax credits for homes.

My bill would also provide a \$500 tax credit to help consumers purchase and install new clean burning stoves, as well as efficient, clean wood pellet stoves, similar to a bill I introduced

with Senator CRAPO earlier this year. This new tax credit reflects the reality that with oil prices soaring, wood is again the fuel of choice for many families throughout the country, just as it was during the height of the oil crisis in the 1970's.

I urge my colleagues to work together in a bipartisan way so that we can help Americans overcome the challenge of high oil prices and restore and strengthen our Nation's economy.

By Mr. BIDEN (for himself, Mr.

GRASSLEY, and Mrs. FEINSTEIN):

S. 3351. A bill to enhance drug trafficking interdiction by creating a Federal felony for operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, I rise today to introduce the Drug Trafficking Interdiction Assistance Act of 2008. The operation of unregistered, unflagged, semi- and fully-submersible vessels to traffic narcotics and other contraband through international waters poses a serious threat to the safety of our communities and the security of our Nation.

Self-propelled semi-submersible water-craft, or SPSSs, can operate with a significant portion of their hull below the surface of the water, making detection very difficult. Recently we've seen an increase in the production and use of SPSSs originating in Colombia and embarking north in the Pacific Ocean with up to 12 tons of cocaine packed on board. SPSSs are typically less than 100 feet long, carry 4-5 crew, travel at speeds of up to 8 knots, and have a maximum range of 3,500 miles.

These submarines are often equipped with valves that allow the operators to quickly flood and sink the SPSS in the event of interception by law enforcement, sending the vessel and any drugs or other contraband on board to an unrecoverable depth. As the last part of the scuttling process, the operators eject from the SPSS, and law enforcement has no choice but to rescue them from the ocean in accordance with our obligations under international law. They avoid prosecution because no drugs are recovered. For the operators of these SPSSs, they are able to avoid prosecution—for now.

This bill turns the tables on the traffickers. It builds off of the good work by my colleagues Senators LAUTENBERG, SMITH, CANTWELL, and SNOWE, who have a bill that criminalizes the operation of an unregistered, stateless semi-submersible or submersible vessel. The legislation that I have drafted would clarify that the defendant's intent in operating the SPSS was to evade detection, add a robust affirmative defense to protect legitimate researchers and explorers who may happen to use a semi-submersible vessel, include a tough criminal penalty provision to prosecute SPSS operators, and

direct the United States Sentencing Commission to account for mitigating and aggravating factors in the Sentencing Guidelines.

As Chair of the Caucus International Narcotics Control and Judiciary Subcommittee on Crime and Drugs, I have worked to not only curb drug demand and increase treatment options, but also to drug traffickers and disrupt supply. This bill is an important step in curbing this emerging threat and shutting down this new mode of trafficking.

Between 2001 and 2007, there were 23 identified SPSS drug smuggling events. At the time, these vessels were largely seen by drug traffickers as risky and impractical. But after increasingly successful interdiction of go-fast boats and other means, drug traffickers began seeing SPSSs as a viable option. Between October 1, 2007 and February 1, 2008, alone, there were a reported 27 SPSS events that successfully delivered an estimated 111 tons of cocaine. At between \$500,000 and \$2 million per SPSS, they cost only a fraction of the profits these traffickers reap.

These vessels have the capacity to deliver more than just illegal drugs—an SPSSs could easily accommodate other contraband, like terrorist operatives and weapons of mass destruction in its cargo-holds. Their operation poses a significant danger to the United States and this legislation criminalizes their use while allowing for the continuation of legitimate research and exploring activities.

I want to recognize my friend Senator LAUTENBERG for his leadership on this issue. I look forward to working with him to enact a tough and fair law that disrupts drug trafficking and other illegal smuggling activities. I also thank Senators GRASSLEY and FEINSTEIN for their support, and I urge our colleagues to join us in supporting this important legislation.

By Mr. REID (for Mr. KENNEDY):

S. 3352. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

Mr. REID. 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 placed in the RECORD, as follows:

S. 3352

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "July 31, 2008" and inserting "August 15, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or

the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on July 31, 2008.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 95—EXPRESSING THE SENSE OF CONGRESS THAT A SITE TO BE SELECTED BY THE SECRETARY OF THE ARMY SHOULD BE PROVIDED FOR A MEMORIAL MARKER TO HONOR THE MEMORY OF THE 40 MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES IN THE AIR CRASH AT BAKERS CREEK, AUSTRALIA, ON JUNE 14, 1943

Mr. CASEY (for himself, Mrs. MCCASKILL, Mr. SPECTER, Mr. CORNYN, and Mr. CARDIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

Whereas during the Second World War, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia;

Whereas from the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay;

Whereas these servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough;

Whereas they usually were carried by two B-17C Flying Fortresses converted for transport duty;

Whereas on Monday, June 14, 1943, at about 6 a.m., a B-17C, Serial Number 40-2072, took off from Mackay Airport for Port Moresby;

Whereas there were 6 crew members and 35 passengers aboard;

Whereas the aircraft took off into fog and soon made two left turns at low altitude;

Whereas a few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident;

Whereas the cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia;

Whereas United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war;

Whereas due to wartime censorship, the news media did not report the crash;

Whereas relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific;

Whereas the remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943;

Whereas in early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial

Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial;

Whereas 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B-17C airplane accident;

Whereas this discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia;

Whereas retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost four of his World War II fellow service members in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families;

Whereas the Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past two years;

Whereas Joy Shingleton, Donnie Tenney, Wendy Andrus, and Wilma Post, the family of Army Air Corps Corporal Edward J. Tenney, of Buckhannon, West Virginia, helped to bring this recently uncovered World War II tragedy to light; and

Whereas as of February 24, 2005, the commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site to be selected by the Secretary of the Army should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army have exclusive authority to approve the design and site for the memorial marker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5249. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5249. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . OPEN FUEL STANDARDS.

(a) **SHORT TITLE.**—This section may be cited as the “Open Fuel Standard Act of 2008” or the “OFS Act”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) In a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines;

(3) technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance;

(4) fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status;

(5) the current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly \$500,000,000,000 per year;

(6) much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies;

(7) alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States;

(8) alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels;

(9) it is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available;

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) **OPEN FUEL STANDARD FOR TRANSPORTATION.**—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“SEC. 32920. OPEN FUEL STANDARD FOR TRANSPORTATION.

“(a) **DEFINITIONS.**—In this section:

“(1) **E85.**—The term ‘E85’ means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

“(2) **FLEXIBLE FUEL AUTOMOBILE.**—The term ‘flexible fuel automobile’ means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

“(3) **FUEL CHOICE-ENABLING AUTOMOBILE.**—The term ‘fuel choice-enabling automobile’ means—

“(A) a flexible fuel automobile; or

“(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

“(4) **LIGHT-DUTY AUTOMOBILE.**—The term ‘light-duty automobile’ means—

“(A) a passenger automobile; or

“(B) a non-passenger automobile.

“(5) **LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.**—The term ‘light-duty automobile manufacturer's annual inventory’ means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

“(6) **M85.**—The term ‘M85’ means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

“(b) **OPEN FUEL STANDARD FOR TRANSPORTATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

“(2) **TEMPORARY EXEMPTION FROM REQUIREMENTS.**—

“(A) **APPLICATION.**—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

“(B) **EVALUATION.**—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

“(i) the supply of any component required for compliance with the regulations; or

“(ii) the use and installation by the manufacturer of such component.

“(C) **CONSOLIDATION.**—The Secretary may consolidate applications received from multiple manufacturers under subparagraph (A) if they are of a similar nature.

“(D) **CONDITIONS.**—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

“(E) **NOTICE.**—The Secretary shall publish in the Federal Register—

“(i) notice of each application received from a manufacturer;

“(ii) notice of each decision to grant or deny a temporary exemption; and

“(iii) the reasons for granting or denying such exemptions.

“(F) **LABELING.**—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

“(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and

“(ii) may only be removed after recall and installation of the required components.

“(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

“(3) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.”.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a public mark-up of a bill to reauthorize the Small Business Innovation Research program on Wednesday, July 30, 2008, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 30, 2008, at 10 a.m. to hear testimony on S. 3212, the “Bipartisan Electronic Voting Reform Act of 2008.”

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 224-7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, Thursday, July 31, at 9:30 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a meeting on pending legislative issues, to be followed immediately by a hearing entitled “Indian Health Service Management: Lost Property, Wasteful Spending and Document Fabrication.”

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

MEASURE PLACED ON THE CALENDAR—S. 3344

Mr. DURBIN. Mr. President, I understand S. 3344 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 3344) to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

Mr. DURBIN. Mr. President, I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar under rule XIV.

MEASURE READ THE FIRST TIME—S. 3348

Mr. DURBIN. Mr. President, I understand that S. 3348, introduced earlier today by Senator COBURN, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The bill clerk read as follows:

A bill (S. 3348) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will remain at the desk and have its second reading on the next legislative day.

TEMPORARY EXTENSION OF PROGRAMS UNDER HIGHER EDUCATION ACT OF 1965

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3352, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3352) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 3352) was ordered to a third reading, was read the third time, and passed.

S. 3352

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking “July 31, 2008” and inserting “August 15, 2008”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on July 31, 2008.

ORDERS FOR TUESDAY, JULY 29, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Tuesday, July 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the Republicans control the first 30 minutes and the majority control the next 30 minutes; finally, that the Senate recess from 12:30 to 2:15 p.m. for the weekly caucus luncheons to meet.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 7:55 p.m., recessed until Tuesday, July 29, 2008, at 10 a.m.