

in the American system of checks and balances. What is it? What is it? What is it that makes the Senate stand apart from other legislative bodies? What is it? What is it that makes the Senate stand apart from other legislative bodies? Why have its seemingly arcane rules and traditions survived, and what purpose do they serve? Over the next few months, the Lord willing—

You see, from the Book of James in the Bible, don't say "I'll go here" or "I'll go there," to this city or that city, and I will be this or that. You better qualify that. As my old mom used to say: Robert, you must say, "if the Lord willing." If the Lord wills it, you will do thus and so—if the Lord willing, or God willing. That has stuck by me all through these 80 and more years: If the Lord wills it.

Over the next few months, the Lord willing—I can't say that. You know, if I say over the next few months, who knows? But, if the Lord wills it—God willing, in other words—over the next few months I plan to offer a series of addresses in which I shall sample these ideas of the Senate with some explanation of each observer. Their ideas have ranged from the necessity of the Senate to its role as a balance wheel with the "people's House," the other body. They have focused on the rules of the Senate and its civility and decorum. They have viewed the Senate as a protector of constitutional liberties, a source of stability, and a product of politics.

As a deliberative body, the Senate has been hailed as a place for second thoughts, as a continuing body, and as an institution that values its traditions. The form of Senate elections, changed by constitutional amendment, and the rules for unlimited debate and cloture have been adjusted over the years, but the Senate still differs in fundamental ways from the House of Representatives. It stands out, the Senate does—the Senate stands out as a body of individuals with peculiar folkways that have fostered what has been described as the "Senate type."

A body of equals among individuals and among States, the Senate has been a difficult institution to lead. Its deliberations have frustrated impatient Presidents. Well, who cares? Senators don't care if they frustrate Presidents. Presidents come and go. Senators may stay on and on and on.

Its deliberations have frustrated impatient Presidents, leaders of the House, and even, yes, leaders of the Senate who seek speedy enactment: Let's get it done. We are in a hurry. Let's get it done. Do it now.

Remember that TV advertisement which said, "Do it now, do it here; do it now, do it now?"

There have been many efforts to modernize the Senate in order to meet new challenges. I have been here a long time. I have seen these efforts on the part of Senators. Some of them come over from the House of Representatives. They want to make this body

into another House—let's get it done. Get it done; do it now; do it here; fast.

Yes, there have been many efforts to modernize the Senate in order to meet new challenges. Able leaders have demonstrated courage and skill in forging alliances and building friendships to pass legislation. I did that when I was leader of the Senate. I forged alliances with such and such a Senator. I forged an alliance. Despite more than two centuries of pressure to change and "modernize"—let's put quotation marks around that word, "modernize"—despite more than two centuries of pressures to change and "modernize," the Senate, as an institution, remains remarkably similar to the body created at the Constitutional Convention in 1787. It retains all of its original powers, including providing advice and consent—yes. You said it. You better read that again in the Constitution. It retains all of its original powers, including providing advice and consent to Presidents on nominations and on treaties, serving as a court of impeachment—you better believe it, Mr. President. The Senate can send you home. You better believe that.

If the House impeaches you, the Senate will try you. The Senate, don't forget it, serves as a court of impeachment and has an equal say with the House on legislation. The Senate has an equal say with the other body on legislation.

As my statements in the weeks ahead—Lord willing, God willing—will suggest, the distinctive features of the Senate have survived for so long because they have purpose and will endure as long as they serve the good of the Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

ENERGY

Mr. WYDEN. Mr. President, the same Bush administration that so tragically bungled the response to Hurricanes Katrina and Rita has now bungled its way to \$3 per gallon gasoline. Unless you were a hermit living in a cave last summer, you couldn't have missed how miserably the administration has failed in its approach to natural disasters. Now it is clear to anyone who fills up at a gas pump that this administration is also failing in its approach to energy. In both cases the administration had advanced notice that a major problem was imminent and in both cases the administration failed to take action to head off the problem before it became a major crisis for the American people.

For Hurricane Katrina, disaster experts had testing that predicted in the

spring what could happen, but the administration ignored the warnings of its own experts as major hurricanes were heading toward the gulf coast. If anything, the administration's failure to take action to prevent gas shortages and price spikes is even more indefensible because they had more advanced warning and greater certainty that the problem was coming.

The Bush administration knew last summer—almost 9 months ago—that gasoline shortages and price spikes would hit hard this spring. If ever there was a time to be watchful about oil markets, it has been during the past months as markets have gyrated virtually nonstop with one international crisis after another.

Nigeria has lost a quarter of its output, Iraq's oil production has fallen below prewar levels to its lowest point in a decade, Iran says something warlike about its nuclear program, and oil prices shoot up \$10 per barrel, and today Venezuela announced that it will move toward nationalizing its oil industry and will cut output, which should put even more pressure on supply and demand.

Yet even with all of this turmoil in world oil markets, the key watchdogs at the Energy Department, at the Environmental Protection Agency, and the Commodity Futures Trading Commission are all absent without leave. No one is home minding the store when it comes to our oil and gasoline markets.

Never before has there been an administration with so much expertise in the oil industry. The President and the Vice President of course know a great deal about the oil sector. The Secretary of State was a director of Chevron and actually has an oil tanker named after her. The list goes on and on. But none of this expertise seems to be being used to help consumers at the gas pump.

The administration's recent inaction in the face of soaring prices is only the latest in a long line of failures. In what is a virtual rite of spring, gas prices typically spike as refineries shut down for maintenance to switch over to summertime gasoline blends. That has happened each of the last several years, and in each instance the administration has done nothing to help consumers at the pump. But this year the administration had good reason to know that a "perfect energy storm" would hit the consumer this spring, and it was clear that spikes would be even worse than prior years.

For example, the Wall Street Journal reported on August 12, 2005:

A provision in the massive energy bill that cleared Congress last week is likely to shrink the nation's gasoline supplies next spring and could boost prices 8 cents a gallon or more.

The Wall Street Journal went on to describe the likely impact of eliminating the requirement to use cleaner burning additives in gasoline, saying:

United States gasoline production would fall short of usual levels by about 158,000 barrels a day—the equivalent of losing output from four major refineries.

The Wall Street Journal quoted an official from Valero Energy Corporation, the Nation's largest refiner, who said:

The price of gasoline "will definitely go up," estimating the potential rise at 8 cents per gallon.

Because of the new regulations for gasoline, there would not only be reduced supply but also lots of new hassles in supplying fuel at the local level. Gasoline additives would no longer be added at the refinery and transported in pipelines. Instead, ethanol would have to be shipped separately and blended locally, creating new challenges and new logistical hurdles for getting the fuel to America's gasoline stations.

With all of this disruption and all of these new challenges to address, it was clear to the oil industry that the energy equivalent of another category 5 hurricane would be hitting gasoline consumers around this time of the year. It should have been clear to the Bush administration as well. But following the same game plan they have used for last year's hurricanes, the administration waited until after the storm hit to respond. In fact, gasoline consumers are still waiting for help at the pump.

The two major hurricanes that hit the gulf coast last summer only made this spring's supply situation worse because those storms shut down a number of refineries and reduced oil and gas supplies. Coming in the wake of these storms, the impact of the new gas rules would only tighten further what was already a tight market for gasoline, and it should have been clear to the watchdogs in the Bush administration for months and months.

The record is clear as to what the facts were that the administration had some time ago. First, if the administration had read its own report, it would have known that gulf coast oil and gasoline production would not be fully restored by this spring. Congress knows this because the administration sends weekly reports to the Congress with updates on the situation. Yet again the administration failed to take any action to head off the problem before consumers got hit again.

If the administration had read its own report, it also would have known that the impact of the new gasoline rule would be substantial, equivalent to 2 percent of the Nation's gasoline supply overall, and 10 percent of the supplies in areas with smog problems. This information has been in Energy Department reports as well. Once again, there was no response from the administration.

Finally, if the administration had read its own reports and publications, the administration would have known that finding alternatives to replace these supplies would not be easy. In

fact, a study by the U.S. Department of Energy estimated that it would take 4 years for refiners to find substitutes for the most commonly used gasoline additive known as MTBE.

In fact, the new rules are likely to be a double whammy for consumers. They tighten not only domestic supplies but also the availability of imports that were so crucial for supplying U.S. consumers following last year's hurricanes. That means the impacts will be similar to last year's hurricanes. But the same solution to address the problem won't be available this year.

As the president of Petroleum Industry Research Institute pointed out last summer, in the past the United States has imported gasoline from Europe to deal with this particular issue and prevent shortages. But at this point we may not be able to do that since European refiners use MTBE.

When you add it all up, the administration's record of bungling on gas supply and prices is extraordinary. They have known since last summer that there would be a big problem for consumers this spring. They knew that the problem had gotten even bigger since the hurricanes last fall. They knew it was going to take a long time to solve the problem and that what was done last fall to increase supply after the hurricanes might not be an option this spring.

But yet with all of the advance warnings and red lights flashing, the administration still sat on its hands. At a minimum, the administration should have convened the National Petroleum Council to seek advice and counsel on what options might be available to help consumers at our gasoline stations this spring.

But as we have seen all too often, the administration doesn't look to outside advice, and even more rarely does it listen to it. And there is little reason to believe the major oil companies, which have such a voice in American politics, would urge the administration to take any kind of significant step to help the consumers.

So what can be done now that predicted gasoline shortages and price spikes are upon us? What could we have prevented or certainly out of this time period helped to minimize the harm that consumers are facing? Those steps weren't taken, and the challenge is to put in place the best possible steps now to try to ameliorate a very bad situation that could have been minimized.

First, the administration should grant waivers of requirements to use ethanol in gasoline in areas where it is contributing to shortages or price spikes at the gas pump.

Section 1501 of last year's Energy bill provides the administration with this authority in cases where there is inadequate supply or where the mandate would severely harm the economy. Both of these criteria have already been met in a number of areas on the west coast and elsewhere in our country.

For example, my home State of Oregon isn't required to have ethanol in our gas to meet air quality standards. We also have little in-State ethanol production. So ethanol has to be transported into Oregon, largely from the Midwest, for blending into our gas supply. Waiving the requirement to have ethanol in Oregon gas would also free up supplies for other parts of the country. That reduces demand. And by simple supply and demand, that could serve to reduce prices around the country. It would also help to bring down the cost of gasoline in Oregon by eliminating the transportation costs of shipping ethanol from the Midwest.

Second, the administration should take steps to go after those who are speculating right now in our country's oil markets. In the press, for example, speculation is continually cited as a factor in the high oil and gasoline prices. For example, in last week's Wall Street Journal, there was a report:

Crude oil closed above \$70 a barrel for the first time, highlighting a phenomenon reshaping the petroleum world: Investment flows into oil futures are supplanting nitty-gritty supply and demand data as prime drivers of prices.

Last fall, former ExxonMobil chairman, Lee Raymond, the \$600 million man, testified before the Senate Energy and Natural Resources Committee that speculation in oil markets was inflating prices by \$20 per barrel. That inflated oil price, in return, raises gasoline prices at the pump by 50 cents a gallon. Yet the administration has done little to investigate speculation or to stop this activity.

To the contrary, on this question of speculation in the oil sector, I questioned the Bush administration's witness from the Commodity Futures Trading Commission last September. I asked specifically what the Commodity Futures Trading Commission was doing to investigate reports of oil traders making extraordinary profits immediately following Hurricanes Katrina and Rita. My question was about reports that there are traders who made so much money that week that they won't have to punch a ticket for the rest of the year.

Here is what the witness representing the Commodity Futures Trading Commission said from the Bush administration:

Granted, a number of them made money, and that is how they do their job, that they earn a return from providing this service.

So the CFTC's response to reports of traders taking advantage of the worst natural disaster in our country's history to make extraordinary profits is: Well, they were just doing their jobs.

If that is the market at work, clearly it is not working for the American people who saw gasoline prices shoot up above \$3 per gallon after last year's hurricanes and again this spring. The regulators of oil and gas markets need to rein in speculation, not defend it.

Another step that could help address speculation would be to have greater

transparency in our oil markets. For example, pension funds and other institutional investors are buying oil as part of their investment portfolio, and this has created additional pressure on supply and prices. Institutional money managers now hold between \$100 billion and \$120 billion in commodities investments, at least double the amount 3 years ago, and up from \$6 billion in 1999. More transparency about these transactions would help both the American consumer and the investors by reducing volatility while stabilizing prices.

Finally, for the long term, Congress should repeal oil tax breaks, breaks the industry executives told me when I questioned them in an open hearing they did not even need. Those unneeded oil tax breaks should be replaced with incentives to use biofuels that can replace supply lost from eliminating MTBE from gasoline.

These actions would address the immediate supply and price problems that the administration has failed to address since last summer. It will give the biofuels market incentives to do more research and increase production of cleaner alternatives to replace MTBE in the gasoline supply.

My guess is, and I am happy to see my friend who has an enormous amount of expertise on this issue in the Senate. Over the next few weeks, we will hear a lot of debate about price gouging and exploitation. There is no question in my mind that there are certainly people trying to exploit the situation and trying to take advantage of these extraordinary circumstances we see in our energy markets.

A significant part of these problems such as the change from MTBE to ethanol, problems that we knew about a year ago, that the Wall Street Journal was reporting on, could have been minimized if those folks in the Bush administration, at the Department of Energy, at the Environmental Protection Agency, at the Commodity Futures Trading Commission, if they had been on deck doing their job to stand up for the American people, these problems would not be so serious today.

Yet the same people who bungled the response to those hurricanes last summer are bungling America on its way up to \$3-per-gallon gasoline. I don't think that ought to be acceptable to any Senator. On a bipartisan basis we can force those watchdogs in the Bush administration to get back to the post and stand up for the public.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

IMMIGRATION REFORM

Mr. ALEXANDER. Mr. President, 14 years ago, when I was the U.S. Secretary of Education, I received an invitation to the annual Italian-American dinner in Washington, DC. To tell the truth, I really didn't want to go because there are lots of dinners in Washington, DC, and the hours were long when I was working in the President's Cabinet. I wanted to stay home with my wife and children. But that year, 1992, the dinner was in honor of my law school roommate, Paul Tagliabue, who is known to most Americans as the commissioner of the National Football League and the person who likely will be presiding over his last NFL draft this weekend.

So I decided I would go to this one more long, I expected, Washington, DC, dinner in honor of my friend Paul Tagliabue. When I got there, the place was bursting with enthusiasm. Nobody could have doubted that it was the Italian-American dinner. Italian-ness was everywhere. Stallone was there, Pelosi was there, Justice Scalia was there and, of course, the National Football League commissioner Paul Tagliabue was there. It was wonderful, and I was delighted that I went.

The room was filled with emotion. But the reason I tell this story is that the height of emotion on that emotional evening was when everybody in the room paused, put their hands over their hearts, and said the Pledge of Allegiance to the American flag and sang "The Star-Spangled Banner." There were a lot of tears at that moment. The point of it is that in that room of people who were so proud of the country of Italy, from where they had come or their parents or grandparents had come, and there was no mistaking that they were proud to be from Italy, but they were prouder to be American.

I mention that because this week we will begin to discuss immigration again. I believe we are missing the fundamental issue in the immigration debate. Of course, border security is important. Of course, a proper allocation of temporary students and temporary workers is important. There will be a lot of debate about what defines amnesty in any sort of legislation. But I believe the real underlying emotion in the immigration debate, the part that we are missing, is the question of how many new men and women can we absorb at one time in this country. How many men and women can come into this country and become Americans and accept the rights and responsibilities of citizenship? I believe what underlies a lot of the emotion, a lot of the concern about the debate we are having, is that Americans are afraid that we may be exceeding that limit. They want to make certain that almost all of those who come to live here expect sooner or later to become Americans, to accept the rights and responsibilities of citizenship.

My rough calculation is that, in a country of about 300 million people who live in the United States of America today, about 10 percent of us are not citizens of the United States.

We have about 570,000 students from other countries. They are welcome here. They help improve our standard of living while they are working here, and when they go home, they usually spread our values better than any foreign aid we have ever passed.

We have about 500,000 temporary workers of one kind or another who are important to our free market system.

We have 11.6 million permanent legal residents, people with so-called green cards, some of whom are on their way to becoming citizens. But an increasing number of them are not electing to become citizens of the United States.

Then we have 10 million or 12 million people who are illegally here. They are here mostly to work. Some estimates are that they comprise about 5 percent of our workforce.

So, all in all, that is probably more or less 30 million people of the 300 million of us who live here who are not citizens of the United States, and there are another 2 or 3 percent of us who are dual citizens, citizens of the United States and of another country.

An important part of this debate is, how many is too many?

We know the benefits of immigration in the United States of America. We call ourselves a nation of immigrants, and we say that proudly. That spunk, bravery, and courage that caused people to come and still come to our country has defined our character. No other country in the world believes anything is possible, that anyone of any background can rise to the top.

My grandfather, who was a railroad engineer, used to say: Aim for the top, there is more room there. Most people think that is a silly statement. But we don't. That is an essential part of the American character. A lot of it comes from being a nation of immigrants. The diversity that comes into our country because of immigration makes our country more interesting. I once heard Robert Mondavi, the famous California winemaker, say that—and excuse me in Iowa for saying this—20 years ago we could not get a good meal in Des Moines, and into Des Moines came people from different cultures and different countries, and they brought their own recipes. And what makes the food so good today in Des Moines, said Mr. Mondavi, is not that one was an Indian dish or a Sri Lankan dish or a French dish or a Colombian dish, but they mixed it together and created an American cuisine.

The diversity brought to us by people regularly coming to our country makes a difference. And then the patriotism that comes from those who become new citizens enriches us. Our most patriotic citizens are often those who have just become citizens, reminding those of us