pressure, can provide financial incentives such as waiving union fees, and can spread false claims, distortions, and misrepresentations, all with no consequence. By contrast, the employer speech is strictly limited, closely monitored, and regulated. Employers cannot lawfully visit employees at their homes. Employers can't even invite an employee into certain areas of the workplace to talk about unionization. Employers cannot promise and cannot make any statement that could be construed as threatening, intimidating, or coercive. Such behavior is strictly unlawful for the employer.

The other side says the Employee Free Choice Act, which I call the Union Intimidation Act, allows workers to have an election if they want one. We just heard that argument. The fact is, we have a body around here—a couple hundred researchers at the Library of Congress—that does research in a nonpartisan manner. They look at the facts and pass them on to us. They were asked about employees being able to have an election if they want one under this bill. The Congressional Research Service disagrees with their supposition. They read the bill's words that say ''the board shall not direct an election'' the way most reasonable people would read them. In a memo to me which was entered into the Health, Education, Labor and Pensions Committee hearing record, CRS wrote:

> An election would be unavailable once the board concludes that a majority of the employees in an appropriate unit has signed valid authorizations designating an individual or labor organization as its bargaining representative.

The Democrats' own witness at the HELP Committee hearing in March admits that it is not true that any one employee who prefers to vote by secret ballot election can secure such an election. That is their own witness saying: Not true. It was Professor Estlund who said that in response to a question for the record.

Essentially, private ballot elections will only take place under H.R. 800 if the union chooses to have one by submitting authorization cards from less than 50 percent of the workers. As a practical matter, that will never happen. If union organizers cannot get enough cards in a public, coercive, intimidating signing campaign, they just don't bother with an election.

Another myth: The Employee Free Choice Act, which I call the Union Intimidation Act, would increase health care and pension benefits. We heard that a few minutes ago. Wishing or asking doesn't make it so. Health insurance, like higher wages and benefits, cost money. Unions don't have to contribute a single penny toward those costs. In fact, since unionized operations are less efficient, they make paying for those things more difficult. They don't take into consideration the business plan and how to continue the business.

Comparing union wages versus nonunion wages nationwide is also inherently misleading since union workers are concentrated in geographic areas and industries where the wages and benefits of all workers are generally higher.

Another myth: Workers seeking to form unions are routinely fired; one in five is fired; one in five is fired every 20 minutes.

OK. Let's look at the facts on that. To begin with, under current law, it is illegal to terminate or discriminate in any way against an employee for their union activities. If this occurs during an organizing campaign, the National Labor Relations Board not only remedies the violation, it is also empowered to set aside and rerun the election since the necessary ''laboratory conditions'' for a valid NLRB election have not been met. However, that occurs in less than 1 percent of all elections, and that number has been steadily decreasing.

That is not the end of the NLRB's authority under current law. If the National Labor Relations Board finds a fair election is not possible, they can certify the union regardless of the vote and order the employer to bargain.

Yesterday, we heard this same myth repeated, and it is based on three phony analyses by stridently prounion researchers, who often make a series of wholly unfounded assumptions and routinely misuse statistical data.

The first analysis arrives at its conclusions by taking the number of National Labor Relations Board reinstatements offered each year, assuming that half occur in the context of an organizing campaign, and then dividing that number into some completely mythical and arbitrary number of ''union supporters''. Now, even if the first assumption was right, it is the number of supporters that matters. The lower the number, the more dramatic it looks. This number, however, is completely made up. There is no factual basis for determining this number.

Here are the facts. In 2004, for example, nearly 150,000 employees were eligible voters in National Labor Relations Board elections. Using their assumptions, there were only about 1,000 reinstatement offers that year. That is not 1 in 5; that is 1 in 150. Even that is likely very high since the vast majority of these offers are settlements which do not account for the fact that many of these terminations may have been perfectly lawful. Moreover, since unions won over 61 percent of these elections, their supporters amounted to at least 90,000.

Now, the second ''analysis'' uses the National Labor Relations Board's backpay figures as the basis for this claim. Here is the problem. The vast majority of those backpay claims do not arise in the context of an organizing campaign. They do not involve union employee terminations. And they do not single out union supporters. Most involve bargaining violations with already-established unions. In 2000, for example, two-thirds of the backpay number involved a single case that had absolutely nothing to do with an organizing campaign.

The third study consisted of stridently prounion researchers calling union organizers about campaigns they conducted over a short period of time in an isolated geographic area. The ''statistics'' relied on were nothing more than untested anecdotes.

So as this discussion continues, we are not going to allow incorrect and distorted numbers, and misused and misinterpreted data to obscure what is really at issue here. This is about taking away the right for people to have a secret ballot. Again, I want to reiterate that while this bill may be grossly misnamed as the Employee Free Choice Act, it has absolutely nothing to do with preserving free choice. In fact, it's just the opposite. How would you like to have someone come into your house with two or three people—one of them being very big—and pressuring you to sign a union card? Would you feel a little intimidated? Most people certainly would. Would you sign because you felt pressured, because you just wanted to have people stop bothering you, or because you didn't want to offend a coworker or friend? Most people would. However, under this bill all a union would have to do is obtain 51 percent this way and it is automatic.

Once the total reaches 50 percent, there is no latitude. These claims that employees could still have an election under this bill are simply not true. Oh, yes, there is this extraordinarily deceptive claim that a union could stop at 49 percent and ask for an election. That is simply nonsense. Why would a union ever do that. More importantly, how could employees make the union stop under 50 percent. They can't. And the unions certainly won't stop—with one percent more they have guaranteed members, and guaranteed dues. Do you really think they'd risk that in a secret ballot where someone who signed under pressure would have the right to change their mind and vote their real beliefs? Why would a union ever do that? Guaranteed union members and guaranteed dues. Do you really think union organizers would actually risk that by giving employees a truly free choice? I do not think so.

It is a fundamental democratic principle to have a secret ballot. The proponents of this legislation would do exactly the opposite and strip away from working men and women this most fundamental democratic right. The proponents of this bill ought to change the name of their party if they continue to advocate this legislation.

I yield the floor.

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

THANKING STAFF

Mr. BINGAMAN. Madam President, last night the Senate worked late to produce an energy bill. I believe it is a good bill. It does not contain all I had

hoped it would. Obviously, I regret that we were not able to go ahead with a vote on a renewable energy or electricity standard and also that we were not able to invoke cloture on the tax title of the bill. Nonetheless, I do think the bill will make important contributions to our energy security. I am proud to have worked on it with my colleagues.

Much has been said about the bill, and I am not going to debate the issues involved again today. We spent 9 days debating the bill and filled many pages of the CONGRESSIONAL RECORD with that debate. But I would like to thank the many members of the Senate staff who have invested such long hours and enormous effort over the last couple of months to make this bill possible.

In the hurry to get the vote accomplished last night, it was not possible to express appreciation to these staff members whose assistance was absolutely invaluable.

First and foremost, I thank Bob Simon, the staff director of our Committee on Energy and Natural Resources. His knowledge of the issues, his wise counsel, and his tireless energy were invaluable to me and to the Senate, in my view.

I also, of course, thank Sam Fowler, our general counsel. He was involved at every step in the development and the passage of the legislation. The work product we have finished with out of the Senate is much better for his involvement.

In addition, I thank Allyson Anderson, who worked on the carbon sequestration title and geothermal issues; Angela Becker-Dippmann, who kept track of the 350 or more amendments that were filed on the bill; Patty Beneke, who worked hard on the oil and gas leasing and public lands issues; Tara Billingsley, who worked on the biofuels title; Michael Carr, who worked on coal and transportation issues; Deborah Estes, who worked on the efficiency title; Leon Lowery, who labored mightily on the renewable energy standard or electricity standard; Jonathan Epstein, who worked on the science issues; Scott Miller, who helped on biomass and tax issues; and Cathy Koch of my personal staff and the staff director of the finance subcommittee on energy taxes, who played such a large role in crafting the tax amendment.

I also thank the rest of the professional staff of the committee, who pitched in to help when called upon: David Brooks, Paul Augustine, Jonathan Black, Mike Connor, David Marks, Jorge Silva-Banuelos, Al Stayman, and Bill Wicker; our support staff: Mia Bennett, Amanda Kelly, Rachel Pasternak, Britini Rillera, and Gina Weinstock.

Also, we have four excellent interns working with the committee this year: Kristen Meierhoff, Ben Robinson, Jodi Sweitzer, and Matt Zedler.

I also express appreciation for the work of the minority staff of the Committee on Energy and Natural Resources, and specifically: Frank Macchiarola, who is the Republican staff director; Judy Pensabene, who is the Republican chief counsel; Kathryn Clay and Kellie Donnelly.

I commend the Senate Finance staff who worked so tirelessly to craft a tax package that would have been an invaluable complement to the authorizing legislation. Senate Finance staff on both the Democratic and Republican sides of the aisle worked in concert to forge a bipartisan package and did that under the direction of Senators BAUCUS and GRASSLEY. I acknowledge their excellent efforts. The staff includes Pat Bousliman, Ryan Abramam, Jo-Ellen Darcy, Elizabeth Paris, Pat Heck, Mark Prater, John Angell, Bill Dauster, and Russ Sullivan, of course, the staff director.

I also thank Tom Barthold and the entire staff of the Joint Committee on Taxation, who helped us greatly, particularly with the tax package that was offered as an add-on to this bill.

Finally, I express my gratitude to the majority leader's staff. I have expressed my gratitude to the majority leader many times for his leadership in getting this bill to the floor and getting it passed through the Senate, but let me also thank the majority leader's staff and very able floor staff: Marty Paone, of course, the secretary for the majority; Lula Davis, the assistant secretary; Chris Miller, the majority leader's senior policy adviser; and all the other members of the staff, on both sides of the aisle, who worked very hard to see this happen.

To each of them, I extend my heartfelt thanks.

Shakespeare lamented how ''oft good turns Are shuffled off with such uncurrent pay.'' I think if he were speaking today, he would probably say: Are shuffled off with such inadequate pay as a simple thank you.

So uncurrent or inadequate though it may be, our thanks is owed to all of the many staff members on our committees and in our personal offices whose hard work and professional assistance have made this legislative accomplishment possible. I am very grateful to each of them and wanted to acknowledge their contribution today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, it is my understanding that roughly 30 minutes remains allocated between the Senator from Utah and myself.

The PRESIDING OFFICER. The Senate is in morning business with 10-minute grants.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes.

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

SENATE ACCOMPLISHMENTS

Mr. CORNYN. Madam President, I come to the floor this afternoon to respond to some remarks made by the distinguished majority leader earlier today. The majority leader listed accomplishments he believes the new majority has accomplished during the 6 months that new majority has been in power. He talked about homeland security funding, the SCHIP program, appropriations, the budget, Iraq, Attorney General Gonzales, and the Energy bill.

One of the things I admire about the majority leader is that he is a very good advocate. He knows how to put a good face on the facts. But I wish to suggest to my colleagues here that in reality, the current state of affairs in the Senate is not nearly as rosy as the majority leader would have us believe.

We spent nearly 2 weeks trying to craft an energy bill that would relieve some of the pressure on American consumers when they fill up their tanks or go to pay their electric bills. Unfortunately, the bill that was offered will not provide a single watt of new energy or a single drop of new oil. Instead, we saw amendments that would have improved the bill in this area defeated time and time again. Moreover, it will actually raise prices for consumers.

This bill, in fact, that was passed last night is bad energy policy because it will raise energy prices for consumers. It will enact, if finally signed into law, price controls, returning us to the failed energy policies of the 1970s and the 1980s, which produced shortages, gas lines, and other severe economic dislocation. This energy bill passed by the Senate last night will increase costs for American energy companies. It will force them to do more of their investment outside of the continental United States, and it will increase—not decrease but increase—our dependence on foreign sources of oil and gas, primarily from dangerous parts of the world and enemies of our country. It will enact unattainable Federal mandates. It will reduce the Nation's ability to compete in the global market against much larger state-owned energy companies for reserves around the globe. Finally, it will continue the prohibition on expanding the domestic production of oil and natural gas.

Instead of trying to work through these problems in a bipartisan way to try to actually bring results and solutions that make sense, the majority leader chose instead to file cloture on the bill, which means, of course, to close off debate and to force a vote so we could speed through it without resolving the predicament Americans will continue to find themselves in, with high prices at the pump and when they pay their utility bills each month. Last night, I am sorry to report, this body approved this ineffective—and perhaps even harmful—legislation.