and a half that Congress has a solemn duty to fund our troops while they are on the field of battle. Regarding FISA, Republicans have argued for more than a year that the intelligence community should have the tools it needs to listen in on conversations between terrorists overseas and that companies that may have allowed them to do so should not be punished for helping.

I remain hopeful the Senate will be able to get these important issues accomplished this week, and maybe a bipartisan Medicare agreement as well, and other matters that can be dealt with. It is interesting how quickly the Senate can move when there is a broad bipartisan consensus behind measures. It may have taken a while for our friends on the other side to come around to our view and the view of most Americans on these issues, but for the sake of our troops, our families, and our security, we are glad they finally did. I hope the majority leader and I, working together, can figure a way through this massive amount of legislation in a very few days that allows us to reach a successful conclusion on many legislative fronts that will give both sides an opportunity to leave here at the end of the week believing this was a week of significant accomplishment for the Senate and for the American people.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

Who yields time?

Mr. SHELBY. I yield the Senator from Idaho 10 minutes.

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

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5009 to delay for 1 year the merchant card reporting requirement.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5010, my amendment to strike the merchant card reporting requirement.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5002.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, I ask unanimous consent to set aside temporarily the pending amendment and call up amendment No. 5003, my amendment to eliminate the FHA reverse mortgage cap.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CRAPO. Mr. President, like many of my colleagues, I am frustrated that we have not been allowed to call up germane amendments for the past few days. This is a substantial piece of legislation and Senators should have had the opportunity to have up and down votes. I have filed four amendments and I would like to talk briefly about two of them that deal with the merchant card reporting requirement.

In an effort to find revenue offsets, I am concerned that Congress is rushing to adopt a flawed merchant card reporting proposal that establishes a new tax compliance burden on small business and does not provide enough time to develop and implement this new system. Little is really known about the true costs of this proposal and the Finance Committee hasn't had an opportunity to have the IRS demonstrate in a hearing that the information collected could be used in a meaningful way to drive tax compliance.

The merchant card reporting proposal would require that the institution that makes the payment to the merchant—payment facilitator—for a payment card—both credit cards and debit cards—report annually to the Internal Revenue Service—IRS—the name, address, and aggregate amounts of payments for the calendar year of each participating merchant. Additionally, the payment facilitator or the electronic payment organization must validate the taxpayer identification number—TIN—of the participating merchant. If the number does not match, then the payment facilitator or the electronic payment organization must withhold 28-percent from the merchant.

This unprecedented level of reporting to the Federal Government will likely impose substantial implementation costs that will be passed on to many compliant small business taxpayers. Small business owners will also have to ensure that their records conform with the additional information reported by the merchant card processor. This is an additional compliance step, which will add to the already high cost of tax compliance for small business owners, who currently spend on average over $74 per hour to meet tax paperwork and compliance burdens that already exist.

The structure of the merchant card system does not make complying with the proposal feasible in a couple of years. Merchants are not currently identified in systems by social security numbers or taxpayer identification numbers. Instead, merchants are generally assigned a merchant identification number. If implemented, this proposal would require institutions to spend several years trying to match merchants to social security numbers of taxpayer identification numbers.

I appreciate the fact that the underlying legislation extends the effective date for reporting to December 31, 2011, and the effective date for backup withholding to December 31, 2012. However, I do not believe this provides enough time to make the changes to existing systems and processes, build and test new reporting systems, perform taxpayer identification number matching, and hire and train the personnel needed to implement and comply with the new reporting requirements.

In addition, a higher dollar reporting threshold is necessary to eliminate reporting on casual sellers rather than persons engaged in business, and it should be granted to all payment settlement entities.

My preference would be that we strike this section until we identify the costs to business, the total costs of implementing the new reporting regime with the IRS, and the ability of the IRS to use the information in a meaningful way to close the tax gap. If that amendment is defeated, then the Senate should provide an additional year to implement this system. But as I indicated, we will not have an opportunity to vote on these amendments or other amendments that other Senators want to bring because we have been stopped from calling up germane amendments as we move forward on this legislation.

As I indicated, I also tried to bring up several other amendments—an amendment to reduce the $300 billion loan authority to $68 billion, which is the number that CBO expects the FHA refinancing program to actually utilize, and the number that was used to

calculate the score of the new program. Yet we will not be allowed to match the projections to the reality of the legislation.

I also asked permission to bring up my amendment, No. 5003, to eliminate the FHA reverse mortgage cap, something which this Senate floor has already voted to do and which was in the FHA modernization legislation that this Senate has already passed. Yet it is now not included in this legislation, and we are not going to be given an opportunity, once again, to include it.

There is important material in this legislation that needs to move forward, but the legislation also contains serious flaws. I am concerned that the process we are following has not allowed this Senate to truly work its will on this legislation as it moves forward.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SHELBY. Mr. President, I will suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. I ask unanimous consent that the time be equally divided, charged against each side equally.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENSIGN. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may offer amendment No. 5020.

Mr. SHELBY. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 5020

Mr. ENSIGN. Mr. President, I am sorry to see objection has been raised. This is the amendment that we are trying to get brought up on the housing bill that passed with an 88-to-8 vote in the Senate the last time we were considering the housing bill. This is the tax bill that will extend the renewable energy tax credits for the United States. It includes solar, wind, geothermal, and many other forms of renewable energy that are so important at this time of high energy prices in the United States. It seems absolutely ridiculous to this Senator that with an amendment that passed 88 to 8 in the Senate, one of the few bipartisan actions we have taken for a long time around here, that there would be objection to adding it onto this bill.

So over the next couple of days, I want to let the managers of this bill know that there are some procedural things that can go on so it is going to take them a little more time to get this bill done than they would otherwise have liked to have done.

I alert them this Senator will be exercising his full rights to try to get this renewable energy tax credit put on this bill.

So it is a critical piece of legislation. It is not only critical to get it done, it is critical to get it done soon, because a lot of jobs in the United States are going to be lost if these contracts cannot be let out for a lot of the projects in renewable energy across the country. There are a lot of people out there right now, whether they get their financing put together or not, who are looking to see if the Senate will extend the renewable energy tax credits.

This is an amendment Senator CANTWELL and I have worked on together. We are pushing this any way we can to get this thing done. I applaud her for her efforts. But it is absolutely critical that this body act at a time when we can create jobs, we can produce more green energy for the United States, and we can become less dependent on foreign sources of energy.

This is a small part of the energy package but an important part of the energy package that we need to put together. We are going to continue to work on this.

I see my colleague from the State of Washington, Senator CANTWELL, is on the floor. I will yield the floor so she can make some comments.

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

Ms. CANTWELL. Mr. President, I actually applaud the Senator from Nevada in trying to move this amendment onto this bill. I say that knowing some of my colleagues on this side of the aisle are frustrated, but the American people are frustrated with the high costs of energy. They want us to be doing all we can to try to help alleviate those energy bills that are going to be affecting them not just this summer but next winter as they see higher home heating bills.

The Senator from Nevada and I are trying to say to our colleagues, it is important not to have this energy legislation tied up in a larger bill that is not currently moving before we adjourn for the July recess.

We are already seeing jobs being canceled, projects being canceled, people laid off, and generation not being ready to be put onto the grid to help assist with high energy costs, particularly in the area of natural gas.

The underlying amendment Senator ENSIGN and I are talking about giving tax credits to individual homeowners so they can make improvements to their homes, and it can result in more than a 20-percent savings in their heating bills this winter. Those are improvements, I guarantee you, we need to be making because many people in the Northeast are not going to be able to afford the high energy costs they are going to be seeing.

In addition, it puts additional megawatts onto the grid, not just in 2008, 2009, but for many decades to come. We need to diversify off the high costs of natural gas. The point is that natural gas costs are continuing to rise with other pressures. We need to diversify off of natural gas and coal as the primary source for our electricity grid. The fact is this produces and saves about $20 billion in natural gas because of the production we would get onto the electricity grid. We need to be doing this now.

We already know the result of our delay, that we have cost jobs in America, projects have been canceled, people have been laid off. We already know it is costing us in lost time and investment to stimulate our economy, and now we know it is also going to cost us in higher energy rates to our consumers. So I am for any plan that will get this energy legislation untangled from other bills and actually approved by the House and the Senate. My colleague and I are willing to work across the aisle and across the Rotunda with people who have any ideas how to get this done—either paid for or not paid for.

But we simply cannot stand here today and say this is a vehicle that should move without trying to put this housing and energy package together, since it is the underlying bill, and we do think it is stimulative to the economy.

I say to my colleagues that the return on investment of this investment in energy is a far greater ROI than some of the other stimulative activities we have done. So if we want to be true to our consumers' anxiety about the high cost of energy they are seeing, not only in gasoline but what they think is coming ahead, then we need to move. We need to stop holding up good energy legislation while we are trying to use it to get other legislation.

I hope we can pass this bill out of the Senate before we leave for the July recess.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, for a number of months now I have been trying, with the help of both Democrats and Republicans, to bring a LIHEAP bill onto the floor. The reason for that

is, with the energy crisis we are now facing and the cost of home heating fuel and electricity escalating, there is no doubt in my mind that both in warm-weather States this summer and cold-weather States next winter, there are going to be people struggling for their lives.

Without air-conditioning, people—old people, frail people, sick people—are going to have a hard time when the temperature gets above 100 degrees. What we are seeing all over this country are unprecedented numbers of homes being shut off from electricity because people cannot pay their bills.

We remember some years back, in Chicago, hundreds and hundreds of elderly people died from heat exhaustion because of the heat in their apartments. We must not allow that to happen again.

LIHEAP, of course, pays electric bills to help people keep their air-conditioning on when the temperature becomes very high. Clearly, in my State of Vermont and throughout the whole northern tier of this country, there is great fear right now—I should tell you that—not just about $4.10-a-gallon gas prices today—people worry about that, but they worry about what is going to happen next winter when the price of home heating fuel is soaring.

So I have tried, and will continue to try, working with people in a bipartisan manner to get a vote on the floor. The simple truth is, we have a lot of support from Republicans and Democrats, progressives and conservatives. People understand the significance of this issue. We are going to do our best to get a vote on the floor as soon as we possibly can.

In the last couple months, we have had large numbers of Republicans and Democrats coming together on bipartisan legislation. We are going to keep up that effort.

So I wished to mention to my friends this is an issue of great importance, I believe, to the American people all over this country. People are fearful about what happens when the weather goes down below zero, and people are worried about what happens when the temperature goes up over 100 degrees.

In this country, we do not want to see people dying of heat exhaustion and we do not want to see people freezing to death. With the cost of home heating fuel soaring, electricity soaring, we have a moral obligation to significantly expand LIHEAP funding. I will continue to do my best to make sure, finally, we get a vote on the floor of the Senate to do that.

Thank you, Mr. President. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I understand I have 6 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. I thank the Chair.

Mr. President, let me make a couple observations.

First of all, I see my colleague from Vermont in the Chamber. I, once again, commend him for his strong interest—a shared interest I have—in the Low-Income Home Energy Assistance Program, and our effort to, one way or another, get to this matter, given the importance of this issue to all of us.

Let me, if I can, review the bidding a little bit as to where we are. This morning, there are two new reports out that relate directly to the subject matter that is before the Senate: the housing crisis, which is at the heart of the economic crisis; the foreclosure issue is, of course, the heart of the housing issue.

As I pointed out over the last number of days, we now have a staggering number of foreclosure filings on a daily basis in the country. The latest report shows that 8,427, on average, filings for foreclosure are occurring on a daily basis—not on a weekly or monthly basis. But every single day in this country between 8,000 and 9,000 people are filing for foreclosure on their homes. This is obviously a statistic that is deeply troubling and an indication of broader problems in our economy.

In fact, this morning, one report has the consumer confidence levels at the lowest since they have been recorded in 1967—40 years. People's anticipation about the future, about the well-being of their children or their grandchildren, their ability to own a home, to raise a family, to be able to meet their obligations, to be able to retire with dignity, to be able to afford higher education—all these things working families in this country historically, for the most part, have been optimistic and confident about, today, are showing the lowest level in 40 years.

So the issue we are grappling with is not one that is necessarily going to guarantee we are going to right the problems overnight, but it is a reflection that this body—made up of Democrats, Republicans, and Independents—can, in fact, come together and do something constructive and positive at the epicenter of our economic problems.

That is the opportunity we are going to have in a few short moments, to decide whether to go forward and adopt legislation that would allow us to begin to put a tourniquet on the hemorrhaging of foreclosures in this country with the adoption of the HOPE for Homeowners Act, to be able to do something about the government-sponsored enterprises and to see to it we have a strong regulator, and to establish, for the first time ever, a permanent affordable housing program.

There is a lead story in the New York Times this morning that talks about families who have had their children going to four and five and eight different schools in a school year in some cases because they have had to move out of rental properties as the costs have moved up. So the affordable housing issue, while it is not directly related to the foreclosure crisis, does deal with the issue of affordable, decent shelter in this country. The fact that families are having to move as frequently as they do and their children are having to go to as many different schools in a year as they do because of the cost of housing is a problem we address with this legislation as well.

There is nothing that is as important as this bill for the country at this moment. That is not to say there are not other issues we ought to be grappling with. But there is a great danger we will miss the opportunity of doing something about housing in this country.

The Case-Shiller index now indicates—and I quote them this morning:

> The S&P/Case-Shiller home-price indexes, a closely watched gauge of U.S. home prices, show price declines continued to get steeper in April, with prices in every region surveyed now showing year-over-year drops.

Those predictions indicate we may have as much as a 30-percent decline in home values. That is evaporating the long built-up equity people have acquired as a result of purchasing their homes and holding on to them.

So that idea of selling your home one day after your children are grown to provide for your long-term security, to deal with the cost of higher education, to deal with an unpredictable health care crisis that could emerge—today we have almost 15 million homes in this country where debt exceeds equity, and those numbers are predicted to grow steeper and steeper, as the Case-Shiller report this morning indicates.

So the level of optimism, the declining value of homes, and the serious problems in rental housing—all this is contributing to the most serious economic crisis we have had in decades.

What Senator SHELBY and I and the other 19 members of our committee have tried to do is to put together, on a bipartisan basis, with a 19-to-2 vote out of our committee—not a highly divided committee, having held almost 50 different hearings over the last year as to what we ought to do to get our hands around this issue—our best recommendation to the Members of this body. Those of us on the committee, working together—all 21 of us on this committee—have tried to fashion and cobble together a proposal that deals with the heart of this issue.

So with the remaining minutes we have to debate this subject matter before the vote at around 11:15—in the next 5, 6 or 7 minutes—I urge my colleagues to join with us. We are not telling you what we have written is perfect. We are not telling you it is going to solve all the problems. If it does nothing more than to restore some

confidence the American people ought to have in their Congress, that in itself will be an achievement.

Beyond that confidence and optimism, we think we have recommended some specific ideas that can very well begin to treat the problem of growing foreclosures, declining values in our homes, and the spread and contagion effect this is having on student loans, municipal finance, corporate finance, and the rest, in our Nation and around the world as well. This issue is going beyond our own shores.

So we urge our colleagues to join with us, and over the remainder of today, as these various amendments are offered, to keep our eye on the ball. The idea is to get a bill done, to work out our differences with the other body, and then to give a bill to the President of the United States, I would hope, by the Fourth of July, by Independence Day. What better gift on independence could we give the American people than a sense that this, their Congress of the United States, can come together, despite political differences, and craft legislation to make a difference for our country.

I urge the adoption of the motion when the question is asked.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama controls the remaining time.

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

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I believe all time has been yielded back. We are prepared to move forward.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the amendment of the House, striking section 1 and all that follows through the end of title V, and inserting certain language, to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act, with amendment No. 4983.

Harry Reid, Christopher J. Dodd, Daniel K. Inouye, Jeff Bingaman, Max Baucus, Patty Murray, Mark L. Pryor, Barbara Boxer, Benjamin L. Cardin, Sherrod Brown, Jon Tester, Bill Nelson, Bernard Sanders, Maria Cantwell, Tom Harkin, Frank R. Lautenberg, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment striking section 1 and all that follows through the end of title V, and inserting certain language to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act, with amendment No. 4983, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 83, nays 9, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—83

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

NAYS—9

Barrasso	Crapo	Enzi
Bond	DeMint	Kyl
Bunning	Ensign	Vitter

NOT VOTING—8

Allard	Coburn	McCain
Brownback	Inhofe	Obama
Clinton	Kennedy	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 83, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, for the knowledge of all the Senators here, we are trying to wrap up a number of items today. Today is Tuesday. We have to get out of here by Friday or Saturday, we would hope, at least. We have a lot to do. We need to complete what we are working on now, the housing legislation. We have a number of issues we are trying to work out on judges. We also have to confirm the FEC nominees. We hope to do that later today. We have FISA that we have to work out. We have a supplemental appropriations bill. We have the doctors fix on Medicare. We have the tax extenders. We are working on all these things, so a lot of balls are in the air. I hope Members would be cooperative and try to work through this.

The Republican leader talked to me today, I have spoken to the manager on our side on the housing legislation, and he has spoken to the other manager, Senator SHELBY—I haven't had that opportunity—and what we are trying to work out on that is, apparently, there are a number of Senators who asked that consideration be given by the managers to having a finite number of housing-related matters, reviewed by the two managers. That is something we are trying to do to see if we can work out something to speed up the work we are doing on the housing bill. I hope we can do that. If we have the cooperation of Members, we can do that. If people dig in their heels and say we are not going to do that, we might be in a situation where we don't finish the housing legislation. That would be a shame, but that is certainly possible. There is the potential to still have a number of other cloture votes on the housing legislation. So we are trying to work that out. I hope we can do that. The two managers I talked about before have experience and understand what we are trying to do.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

OIL EXPLORATION

Mr. DOMENICI. Mr. President, fellow Senators, I have spoken extensively over the past several months about the growing threat of our dependence on foreign oil. Two weeks ago, we were reminded of the threat by new trade deficit numbers showing a $4.4 billion deficit increase in just 1 month as a result of growing oil prices and growing oil imports. Last week, the Wall Street

Journal reported that six Arab economies took in $400 billion in oil and gas revenues last year alone. The Journal also reported that petroleum-producing states are investing more of their oil wealth at home, triggering an investment and spending boom in the Middle East.

But as our reliance on foreign oil grows, 85 percent of our offshore acreage in the continental United States is still off limits for leasing, as are 62 percent of onshore oil reserves. Let no one tell you that we have plenty of American acreage leased for energy development because compared to the rest of the world, we are falling behind, and it is making us poor and poorer and poorer. Since the Senate last voted on my proposal to increase production, it was estimated that America likely sent about $50 billion overseas to import oil.

What is particularly troubling to me is that after rejecting a proposal I submitted on behalf of myself and 20 other Senators to open new areas for production, the majority has come up with excuse after excuse for not taking any action.

First, without any evidence to back them up, they claimed that price gouging was the reason for high prices. At the same time, they said high prices were not caused by supply-and-demand issues, they told America that we must stop filling the Strategic Petroleum Reserve because the 70,000 barrels a day that went into it were raising the price of gas. Suspending the SPR fill is something I have supported, but I also said we need to do much more. It alone is practically nothing. Unfortunately, advocates of this SPR suspension in the majority rejected a proposal to open areas of production that would bring online more than 2 million barrels of oil a day.

Now the other side has apparently settled on an argument that first originated with the Wilderness Society. They claim oil companies are sitting on their leases and that if those companies just developed in those areas, we would not need to open new areas. If only that were true, Mr. President. The other side is now saying the oil companies must use it or lose it when it comes to their leases. They propose adding a tax on companies to punish them for not producing fast enough.

This Wilderness Society argument demonstrates a fundamental lack of understanding of how we explore for oil and gas in this country, and the fact that this argument originates with a group that has led four major lawsuits in the last 4 years to prevent development in the very same area speaks to how disingenuous it really is. Part of the reason it takes so long for companies to produce is because groups such as the Wilderness Society keep throwing up roadblocks. They know it; we know it.

Today, I am going to tackle this idea that companies are choosing to sit on their leases, and I will debunk that once and for all.

First, let's consider the logic. Companies are paying a lot of money for the right to explore on a lease and are given a short period of time to produce oil. With the cost of oil now at $135 a barrel, why on Earth would a lessee intentionally sit on a lease and choose not to make money on it? Why would a company pay money essentially to rent a tract of land and then not use it?

I have heard the claim that 41 million acres are leased on the Outer Continental Shelf and of that acreage, 33 million acres are not being produced. The use of this statistic shows a fundamental lack of understanding of the long, risky procedure and process that begins even before bidding on a lease and hopefully ends with production. The other side is saying that unless oil is literally coming out of the ground on an acre, it doesn't count, even if that acre is being explored or is in the process of getting environmental permits or in any other part of a process that is very long and tedious. Additionally, the use of this argument by groups who consistently go to court to prevent developing on existing lease areas speaks volumes about the intent here.

Congress currently restricts access to 574.2 million acres of OCS. In actuality, it is clear by any measurable assessment that the majority in Congress is sitting on far more oil than the oil companies themselves. Let me repeat that. It is clear by any measurable assessment that the majority in Congress is sitting on far more oil than the oil companies themselves.

Let's focus on offshore Federal leases for a moment. Simply examining the number of acres leased and the number of acres producing during a snapshot of time is deceptive. There are many different steps for producing oil and gas. At any given moment, a lease may not be producing, but it is active and under development. In the 5, 8, or 10 years that a company holds a lease—and they are given a specific period of time—environmental assessments could be underway, lessees could be trying to secure permits, the leasing agency could be challenged in litigation, and the lessee could be reviewing seismic data. In fact, any number of preproduction processes could be underway. These take time. These require experts. These cost money.

I do not hear critics suggest that we speed this up or that we waive or shorten environmental requirements—and I am not suggesting that either. But critics do want to impose new costs on U.S. producers under the guise of ''speeding up leases.'' This tax and spend solution to a supply and demand problem makes no sense. And, once again, the other side proposes a solution that threatens our competitiveness with nationalized oil companies who are after the same commodity around the world. My friends on the other side of the aisle are fond of saying that we can't drill our way out of the problem—and they are right. But my message back to them is that we can't tax our way out of the problem either, and that is exactly what they keep proposing to do.

Second, there are many up-front costs that leaseholders take on to acquire an oil and gas lease. Bonus payments and pre-production rental payments often cost millions of dollars and these capital investments are only being made for the ultimate development and production of oil to return a profit on investment. Simply put, if oil is not produced from a lease, companies lose money on it.

Third, using these acreage numbers to claim that companies are ''sitting on'' $135 oil simply ignores the historical fact that simply because you lease lands does of necessarily mean that you are able technically or economically to produce on them—or even that there is oil under your lease. Hence the term: ''exploratory well.''

Ironically, some of the very same people who are arguing that these leases are not being developed also opposed an inventory of new areas that would clearly speed the development process when they are opened.

To suggest that companies are not diligently developing their leases on the American deep sea is to simply ignore the facts. Over the past decade, more than 100 new discoveries have been announced and since the passage of the Deepwater Royalty Relief Act 13 years ago, offshore oil production has increased by 535 percent. Over the past months, three major sales for OCS oil and gas leases have taken place and together raised more than $9 billion in federal revenues. Under the oppositions argument—that is a lot of money companies are paying to sit on leases.

I have had the opportunity to review the data provided by one company that holds leases—BP. BP has 124 leases that are actively producing. Those are the only ones that the majority is counting when they give you their statistics of producing leases. But BP also has 459 leases that are in the exploration phase, So 65 percent of BP's leases are under exploration so that BP can produce from them in the future, yet the majority would have you believe that BP is ''sitting on'' those leases instead of actively working toward producing on them. This is about as deceptive an argument as I have ever heard. It is either totally deceptive or it is absent knowledge and information—which is impossible. This information is readily available.

We have severely limited our access to the American deepwater, and the situation is only getting worse. In 1982, nearly 160 million acres of land were being leased for exploration. Today, its less than 40 million. Why? Because we are running out of available land and we are restricting access to our own resources in favor of foreign oil. According to the MMS, only 2.4 percent of the total offshore acreage is currently being leased and about 85 percent of our continental offshore is under moratorium. As we debate about the use of

43 million acres available for development, we must recognize that Congress has placed 574.2 million acres under moratorium—and the majority has supported continuing to do so. Only 6 percent of total lower—48 OCS is currently leased. This does not demonstrate a lack of progress in the deepwater, it demonstrates a lack of progress on energy policy in Congress.

The American people have had enough with excuses and they are looking for leadership. Two-third of Americans are asking us to produce American oil, but the majority in the Senate is blocking it. I urge my colleagues to look at the facts and take action.

There is no question in my mind that the excuse that is being used is that we cannot drill our way out of the crisis. I submit that is not the issue, whether we can drill our way out of the crisis. The issue is whether we can produce more American oil or oil alternatives so we spend less overseas and keep more of our money at home. We are spending ourselves broke. We are spending ourselves into economic oblivion by sending so much of our resources overseas every day, every month, every year, for the acquisition of crude oil from foreign countries.

I have an editorial from the Albuquerque Journal of Sunday past called ''It Takes Black Gold To Get to Green Future.'' It states:

With all due respect to Al Gore, there is an urgent, new ''inconvenient truth.'' Unless Congress acts quickly to expand domestic oil supplies, the nation could face economic destruction long before it sees the environmental fallout of global warming.

For decades it has been easy for most Americans to dodge the truth about our foreign oil dependence and to just keep driving—but $4-a-gallon gas has finally snapped the trance. Reality is sobering. The United States has put its economic survival in the hands of unstable foreign powers and volatile commodities markets. At any time, a major disruption in foreign supply could bring the enormous, transportation based U.S. economy to a standstill.

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

Mr. DOMENICI. I ask unanimous consent the editorial and a Washington Post editorial called ''Drill Deeper'' be printed in the RECORD.

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

[From the Albuquerque Journal, June 22, 2008]

IT TAKES BLACK GOLD TO GET TO GREEN FUTURE

With all due respect to Al Gore, there is an urgent new ''inconvenient truth.'' Unless Congress acts quickly to expand domestic oil supplies, the nation could face economic destruction long before it sees the environmental fallout of global warming.

For decades it has been easy for most Americans to dodge the truth about our foreign oil dependence and just keep driving—but $4-a-gallon gas has finally snapped the trance. Reality is sobering: The United States has put its economic survival in the hands of unstable foreign powers and volatile commodities markets. At any time, a major disruption in foreign supply could bring the enormous, transportation-based U.S. economy to a standstill.

The U.S. trade deficit jumped to its worst level in more than a year in April, driven primarily by oil imports. Not only does this empower anti-American regimes, it siphons off money consumers could be spending or saving or investing.

''I have never been more frightened for America's future than I am right now;'' Sen. Pete Domenici said last week, urging Congress to remove the ban on off-shore drilling and open the Arctic National Wildlife Refuge to oil companies.

President Bush—in a speech laced with counter-productive partisan rhetoric—called on Congress last week to open up several domestic oil fields that have been off-limits since the 1980s. ANWR could yield 27 billion barrels; the Atlantic and Pacific coasts contain 17 billion barrels, and the Gulf Coast could produce another 72 billion. There is strong evidence this can be done in an environmentally responsible way.

Democratic presidential candidate Barack Obama has so far ignored polls that show a majority of Americans rallying around calls for domestic drilling. He continues to argue that the answer to foreign oil dependence lies in wind, solar and nuclear technologies. The inconvenient truth, however, is that climate-friendly technologies will take decades to develop. We look forward to the day when we can all plug our green cars into an electrical grid powered by something other than coal.

Until then, we're going to have keep buying gas. Even if we achieve a dramatic 20 percent reduction in oil consumption, some experts estimate that oil will still cost $200 a barrel by 2012. So here's another inconvenient truth: New drilling isn't about returning to cheap gas. It's about economic survival.

The United States needs to organize a Manhattan Project for alternative energy, addressing the threats from both global warming and foreign dependence. We need to vigorously pursue those, along with a crash course in conservation.

These are monumental undertakings, and to succeed they must transcend party lines or individual egos. Sen. Jeff Bingaman was on-target Wednesday when he faulted President Bush for injecting ''election-year politics'' into the Rose Garden speech. As chairman of the Senate energy committee, Bingaman will be a key player on both fronts of the effort to chip away at America's-dangerous level of dependence on foreign oil.

The way ahead is not easy. Fuel costs are impacting food and retail prices. Truckers are parking their rigs. School bus operators and closing up shop. Airlines are laying off thousands and perhaps are heading for prices that will put air travel out of reach for the middle class. The idea of the family flying to Disneyland, for example, would be out of the question. Even a family vacation by car could look like a luxury.

Americans have never backed down from a challenge, however. Once we know the truth, no matter how inconvenient it may be, we like to get to work. In this case, the work involves a drilling rig, and the self-confidence to use it.

[From the Washington Post, June 22, 2008]

DRILL DEEPER

If there is a silver lining in the price of gasoline shooting past $4 a gallon, it's that it has sparked an intense debate in the United States about its energy security—or lack thereof. President Bush and Sen. John McCain (R–Ariz.) have given the impression that relief for drivers lies in off-shore drilling and the construction of nuclear power plants. In fact, those solutions wouldn't produce results for years. But if this level of passion and debate continues through the fall election and is followed up by action, the nation will be better off.

Mr. McCain, the presumptive Republican Party nominee for president, kicked things off last Tuesday when he reversed himself in a speech to a Houston audience and announced that the moratorium on drilling on the Outer Continental Shelf that has been in effect since 1981 should be lifted. He got a Rose Garden assist the next day from Mr. Bush, who called on Congress to allow states the option of drilling off their coasts to tap the estimated 18 billion barrels of oil underneath. On Wednesday, Mr. McCain said that if elected president he wanted 45 nuclear reactors built by 2030 ''with the ultimate goal of 100 new plants to power the homes and factories and cities of America.''

The mantra from the Democratic Party—from the presumptive presidential nominee, Sen. Barack Obama (Ill.), on down—has been a variation on ''We cannot drill our way out of this energy crisis.'' Considering that the U.S. is estimated to have 3 percent of the world's oil reserves, that's certainly true. But it if is acceptable to drill in the Caspian Sea and in developing countries such as Nigeria, where environmental concerns are equally important, it's hard to explain why the United States should rule out careful, environmentally sound drilling off its own coasts. Like Mr. McCain, we do not support drilling in the Arctic National Wildlife Refuge, which Mr. Bush advocated Wednesday. That pristine area, with its varied and sensitive ecosystems, should be preserved.

Washington has done a poor job of telling the public that energy security will be achieved not from one source overnight but from many over years and that there are no easy solutions and no cheap ways to break this nation's dependence on oil. There will be trade-offs and sacrifices that have yet to be considered. So far, the focus has been on biofuels, solar power and wind energy. But all this talk of drilling, squeezing oil out of shale, as Mr. Bush proposed, and pushing for more nuclear power is a welcome widening of a larger and necessary discussion.

I yield the floor.

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

Mr. ENZI. Mr. President, I will return the discussion to housing. I do thank the Senator from New Mexico for his comments on energy. I know from traveling around Wyoming last weekend, the biggest thing on everybody's mind is $4-plus gas. I got a lot of comments on ways it could be fixed. What we are working on right now, of course, is fixing housing.

I am going to discuss the Federal Housing Finance Regulatory Reform of 2008. That is what we just had the vote on. I do not support this legislation.

I opposed this legislation in the Senate Banking Committee and I continue to oppose it today. As the national housing market continues to suffer from falling home sales, housing starts, and skyrocketing foreclosure rates in some parts of the country, the Senate has an opportunity today to restore confidence in the principles of good government to our economy. These principles include limiting taxpayer liability, ensuring a sustainable housing market in the future, and preventing a Federal Government bailout of big

banks that made unaffordable loans or investors who made bad investments. Unfortunately, the bill ignores these principles and ignores irresponsible actions at the expense of responsible homeowners and hard-working taxpayers.

This bill contains a title called ''The HOPE for Homeowners Act.'' The program included in this title would create a $300 billion taxpayer loan guarantee program.

Let me repeat that. It would create a $300 billion taxpayer loan guarantee program—taxpayer guarantee program—doubling the size of the Federal Housing Administration. This expansion will be accomplished by taking the worst performing and the most risky loans made by banks, shifting 100 percent of the liability of foreclosure onto the American taxpayer. The loans I am talking about have made a lot of press in the past few months—adjustable rate, interest only, low documentation or no documentation; loans that in many cases the lender made with no regard for the borrower's ability to repay.

The Congressional Budget Office estimates that 35 percent of these loans will default, placing a huge liability on the FHA and ultimately the taxpayer for guaranteeing these loans. Even FHA Commissioner Brian Montgomery believes this is a dangerous proposition. On June 9 he stated:

> The FHA is not designed to become Federal lender of last resort, a mega-agency to subsidize bad loans.

But that is exactly what this bill does. In past years, banks continued to make record profits by pushing these unaffordable mortgages. Investors, homeowners, bankers, and realtors bet heavily on the tidal wave of ever increasing home prices. If a rate adjustment made monthly mortgage payments unaffordable, homeowners and mortgage investors could count on home equity to bail them out. In other words, the value of the price of the home would go up sufficiently to cover the costs homeowners could not. As the Senate's only accountant, I can tell you this practice does not make good financial sense. It is completely unsustainable. However, most of industry ignored the warning signs and continued to make record profits from unaffordable loans.

Now these same banks and investors are in trouble. They have discovered that unaffordable mortgages can be, shockingly, unaffordable. Complicating this matter is that the housing market cycle is now on a downswing and people can no longer rely on home equity loans to bail them out of a mortgage rate hike. Banks and speculators now expect Congress to reward this irresponsible behavior with a taxpayer bailout. They expect the Federal Government to turn its back on responsible lenders and borrowers and renters waiting to become first-time homeowners, and support those groups that have pushed our housing market into decline with bad loans and bad investments. This bill is a Federal Government bailout and that is why I oppose it.

I will also note there are separate provisions of the legislation I do support. A separate title of this bill would create a new regulator for the government-sponsored enterprises, Fannie Mae and Freddie Mac, and the Federal Home Loan Banks. This world-class regulator will have the authority necessary to ensure that these entities are adequately capitalized and are operating safely within the secondary mortgage market.

The GSEs, government-sponsored enterprises, are the most important factors in our mortgage market and play an increasingly influential role in our global credit markets.

The regulators created by this legislation must support the housing market by allowing Freddie and Fannie to buy and securitize mortgages, thereby increasing credit at lower rates and restoring investor confidence. While I continue to oppose the affordable housing trust fund included in the bill, I support a strong regulator that will allow the secondary mortgage market to operate more effectively, to the benefit of our economy.

I support the deliberate and safe conversion of the GSEs into the jurisdiction of the new agency included in this legislation. It is past due. As these massive entities are brought under new supervision, I trust the transition will be done in a way that ensures that no disruptions occur in our housing and our credit markets.

There are also several tax provisions that are important to Wyoming and the Nation. Currently, Wyoming receives approximately $2 million per year in low-income housing tax credits to encourage developers and contractors to develop affordable rental housing projects. This bill will provide a temporary 2-year increase of approximately $50,500, a 2.5-percent increase to the Wyoming Community Development Authority. It will also increase access to the Mortgage Revenue Bond Program, another helpful tool for Wyoming housing infrastructure development.

Unfortunately, the good provisions of this legislation are not enough to outweigh the bad ones. Pushing liability onto the Federal Government by bailing out irresponsible lenders and investors is not good government. I cannot support a bill that puts reckless investors and lenders ahead of hard-working Wyoming taxpayers.

I yield the floor.

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

Mr. DODD. Mr. President, I want to take a couple of minutes, if I can. We had a very strong vote again this morning on the housing proposal. I thank my colleagues. This morning I believe that vote was 83 to 9 to invoke cloture, to begin the 30 hours of debate on this aspect of the bill.

I would remind my colleagues, going back a little bit to the end of last year on the FHA modernization bill, the Senate voted 94 to 2, in December of 2007 on the Foreclosure Prevention Act in April, we voted 84 to 12; then the government-sponsored enterprises, HOPE for Homeowners vote out of committee, which included the affordable housing program, as well as the GSE reform and the HOPE for Homeowners, passed 19 to 2 in our committee, an overwhelming vote on a controversial bill involving substantial resources and ideas to deal with the housing problem.

Then late last week, we had amendments to strike the affordable housing program. That was defeated 77 to 11. An amendment basically to stop or cut out the HOPE for Homeowners Act was defeated 69 to 12.

The point I make with these votes is it is quite clear that this body, both Democrats and Republicans, believes it is important that we craft and move forward with a major housing bill. I cited earlier this morning in the discussion the two recent reports dealing with consumer confidence and the value of homes in America.

The value of homes in America reported by the Case-Shiller Index, which is the most respected index on home values in our country, has reported yet further decline in housing values. In fact, Professor Shiller has predicted we may have as much as a 30-percent decline in home values. That would be the most significant drop nationally since the Great Depression, to the point where now we have millions of homes where the equity in the homes is exceeded by the debt. Of course, for families, that home ownership has not only been a stable environment for them and their families, but it has also been a source of wealth creation; that is, building up the equity in that home to provide for the retirement years, where that home can be sold and the value, the increased equity, can be a source for financial support.

For many families that has been one source of additional income for middle-income families to provide that higher education they promised their children since the day they were born. If you work hard, do the right things, your family is going to stick with you. When that cost of education comes up, for college or community college or a technical school, we are going to be there to help you because the equity in our home is going to give us some additional cash to make that possible.

Let me tell you what it is like for that family today, those 15 million homes across our country where that debt exceeds equity. They turn to that child and say: We can no longer do it because our financial obligations exceed the value of our house because it has declined because of the foreclosure crisis, where more than 8,400 homes are filing for foreclosure every single day in the country.

So we have done what we can in our committee, and our colleagues have

supported these ideas. The HOPE for Homeowners Act, the GSE reform, the affordable housing ideas have been embraced by overwhelming majorities. So what we need to do today, if we can, is to come over. The amendments have been suggested. I want to work out as many amendments on housing as I can. There are some we can work out and accept. Some I will not be able to accept, obviously, working with Senator SHELBY and others who are involved. But we need to get this done.

If we go again into the middle of July—and just remember that if we take next week off, which we do, we will go back to our respective States. While we are back there walking in our parades and celebrating Independence Day, every day we are there, somewhere between 8,000 and 9,000 of our fellow citizens, on Independence Day, will be filing foreclosure on their homes. So we may leave here Friday or Saturday without having gotten this done, but as you are flying back home and visiting your States and celebrating Independence Day, remember if we did not get this done many more Americans are going to be paying an awful price.

So I urge my colleagues with amendments, give us a chance to work these out. For those who want to offer amendments that are not directly related to this but are terribly important, I do not minimize it. I beg your indulgence to spare us the opportunity of having to engage in that debate on this bill. That does not minimize the importance of your idea. But if you put it on this bill and it is not paid for, the House will reject it, and you will lose both ideas—both your idea and this idea that we are trying to move forward. So some discipline is needed, some understanding is needed. This is the issue of the hour. This is the problem that is causing so much depression in terms of people's aspects of their future.

That report this morning about consumer confidence is so alarming. That, more than anything else, is what I worry about: the optimism and confidence of our fellow citizens. It is at the lowest since data has been collected on consumer confidence. It is at a 40-year low; 40 years have transpired since the confidence and optimism of our fellow citizens have been as low as it is today.

We bear responsibility more than anything else to offer a future, some hope for our fellow citizens and people who count on us. I think this housing proposal gives us a chance to do that. It is not going to solve everyone's problems, but it can make a difference in saying to the American people: We hear what you are saying, and we are doing something about it.

I have often cited historically those first 100 days from March of 1933 to June of 1933, the beginning of the Franklin Roosevelt administration when the country was in a deep depression, millions had lost their jobs, homes were being foreclosed. In that 100 days, there were a lot of ideas that were posed to get us back on our feet again. Many of them never went anywhere; some did.

The most important thing, more than anything else that the Congress or the President achieved in those 100 days, was the American people saw a government that had rolled up its sleeves and gone to work on their behalf. That, more than anything else, was what was needed in those days to give people a sense of hope and optimism and confidence that their Government, their President, their Congress was going to work on their problems and give them a chance to have a better day. And that is as much as what is needed today.

We need to demonstrate to the people of this country who have lost an awful lot of faith in almost everything but certainly in ourselves here, that we can get something done, that we can put aside differences and make a difference in their lives. That is the opportunity that Senator SHELBY and I are offering to our colleagues in the remaining hours of this debate.

So we need your help to come over and bring people together so we can wrap this up and send a bill to the House which, hopefully, they can accept. I am confident they will. Not that they are going to agree with everything that we have done, but I believe BARNEY FRANK, the Congressman from Massachusetts, the chairman of the Financial Services Committee; NANCY PELOSI, the distinguished Speaker of the House—they get this, they understand this. They understand the difficulties we have over here procedurally to deal with things, to deal with matters that are different from the House of Representatives.

But they also understand we basically embrace three of the major concepts: HOPE for Homeowners, affordable housing, GSE reform. That is the centerpiece of what we are trying to achieve. The Presiding Officer, as a member of the Banking Committee, has been tremendously helpful, and I thank him for it, as well as other members of the committee, putting aside our own specific ideas of how we would do this to come up with a product that could be embraced by 19 of our 21 members of that committee to bring the bill forward as we have today, with the added provisions that have been included in this bill.

So we urge our colleagues to come over. Senator SHELBY and I are more than happy to entertain ideas. Where we can accommodate them, we will do so. If we cannot, we will be candid and tell them that we cannot. There is always another day, but we cannot deal with every bill and every idea that people have been waiting for on this bill. We urge our colleagues to do that.

I ask unanimous consent that the time while the Senate is in recess for the conference lunches count under the time postcloture.

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

Mr. DODD. With that, we have had a strong vote. I say this to my colleague from Alabama, through the chair, that 83-to-9 vote, not to mention 94 to 2 on modernization; 84 to 12, the various votes on other matters late last week—all indicate the strong willingness on the part of our colleagues, the overwhelming majority here, to get something done on this issue. That is the best news of all. Now we need to come to closure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to pick up on a few things that the Senator from Connecticut has been talking about. We got a vote a few minutes ago, I believe 83 to 9, on cloture on this bill.

Last week we had three or four well-debated amendments offered by various Senators, and they were overwhelmingly rejected, huge votes.

Where are we now? We have worked on this a long time. We have GSE reform in here, which I have worked on for 5 years on the Banking Committee, as Senator DODD recalled, and the Presiding Officer, a member of the Banking Committee and very involved in the Banking Committee.

This is a very complicated piece of legislation in this title dealing with GSEs, which we have come a long way with. Everybody here knows, I believe on both sides of the aisle, that the GSEs provide a lot of the mortgage funds, most of them today. But they do need to be well regulated. They also need to be well capitalized, considering the risk and so forth, the implicit guarantee of the Federal Government.

I have been told recently that their debt, that Freddie Mac and Fannie Mae debt, exceeds the debt of the United Kingdom and France together. I do not know if that is exactly right. But if it is, that is over $5 trillion.

So we need to get this done. We need to make sure the GSEs survive. We want to make sure GSEs are properly regulated, and we can do it here. Another part of the title of this bill is dealing with housing, as the Presiding Officer knows. This is going to give a lot of people in America an opportunity to refinance some mortgages. It will not save everybody. It should not save everybody.

But there is no specific bailout for any specific mortgage company or banks, as somebody alluded to last week—none of that. The chairman of the committee, the Presiding Officer, as a member of the committee, and I, as a Senator, we would not have that. We would not vote our support for anything like this. But we will create conditions to let people refinance their mortgages, assuming they can work this out, assuming the lender would rather take a haircut—you know, less money than a foreclosure.

The last thing a lender as a rule wants is a foreclosure because the house is vacant in the neighborhood. Senator DODD was talking about that. We do not need four or five vacancies in the neighborhood and the house run down, weeds growing instead of the lawn trimmed.

Everybody knows what that does to the value of their neighbors' property.

Housing is important. What we are trying to do—and one can see the votes we have been getting—is fashion something that will give a lot of people a better opportunity to finance their home, as well as to regulate the GSEs in a meaningful way. Most of the Members of the Senate know that.

If somebody has an amendment, they ought to come down here. I know we can debate this for 30 hours under the rules—I believe that is right—after cloture.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SHELBY. We are that close to passing a meaningful piece of legislation. We would like to pass it. We would like the House to pick it up quickly—either agree to it, amend it, or whatever, and get it to the President. The sooner, the better.

This is not a perfect piece of legislation, but overall it has a lot of good things in it. I certainly urge my colleagues to support it.

I yield the floor.

RECESS

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

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senate is not in a quorum call, I expect.

The PRESIDING OFFICER. The Senate is not in a quorum call.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes and that 10 minutes be applied to the 30 hours postcloture.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object, I ask unanimous consent that following Senator VITTER—he is going to speak next for approximately 5 minutes—I then be recognized to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from North Dakota is recognized.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3183 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DORGAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to speak on the housing bill before this body now and to speak about an important omission from the managers' amendment that is before the Senate. This is just one piece, one narrow issue, but it is an important one that will affect many folks in the housing market and throughout America. I am talking about the need to provide a transition period for the implementation of the new GSE regulatory structure in the bill.

A large part of this legislation on housing recovery is devoted to GSE regulatory reform. GSE means ''government-sponsored enterprises''—regulatory reform regarding those entities. This is a huge undertaking, with wide-reaching consequences for the mortgage and housing industries and our economy generally.

This GSE reform title would combine the regulatory authority and personnel of three distinct agencies—HUD, the FHLB, and the OFHEO—to create an entirely new GSE supervisor with broad, far-reaching powers over this $3 trillion part of our economy, the housing finance system. The effects of new regulatory powers would not be limited even to the housing industry, as big as it is. The vast global investment in GSE securities and the 8,000 member banks that obtain liquidity and other services from our Federal Home Loan Bank system would also be significantly affected.

Given the far-reaching and very significant impact of this part of the bill—this very significant consolidation of three separate agencies—I think simple common sense would dictate that implementing that sort of measured change should be done with great care and over some reasonable time period. That is why the House in its legislation recognized the need for an orderly transition. Their bill included a uniform effective date of 6 months after enactment to allow the President to begin the appointment process immediately but to give that 6-month transition to a very new regulatory structure.

Unfortunately, the bill before us in the Senate today does not include this transition period in this language.

Under the Senate substitute amendment, the powers of the new agency would be effective immediately, potentially destabilizing our housing market, causing real concerns among many in that important market.

I am very concerned about this. I think it is a significant omission, a significant problem, a significant issue. Making the powers of a new agency effective immediately, before the three existing agencies are combined and before expert personnel can be transferred and this new agency staffed is putting the cart before the horse. At a time of great instability in the mortgage and housing markets, we should use care to preserve consumer and market confidence by ensuring a smooth transition and regulatory stability.

That is why I am strongly urging the adoption of the House approach with regard to this specific issue. It would ensure a gradual transition of no less than 6 months, allowing for careful and efficient consolidation. In our push to make the housing and mortgage markets stronger and more responsive to the American people, let's also make certain we don't break what we didn't need to fix in the first place.

I urge my colleagues in the Senate to adopt this commonsense, reasonable, balanced House approach with regard to a 6-month transition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, is it necessary that I ask to speak as in morning business? I am taking time off my postcloture time.

The PRESIDING OFFICER. The Senator may be recognized under cloture.

Mrs. BOXER. I thank the Chair.

DRILLING IN PRISTINE AREAS

Mr. President, I am going to discuss, in about a 20-minute timeframe, a couple issues that are swirling around this country and the Senate, and I wish to go on record on both of them. One has to do with President Bush and Senator MCCAIN's proposal to open pristine areas off America's coastline to offshore oil drilling as an answer, they say, to high gas prices. I am going to, hopefully, debunk that argument, and I hope I can do it convincingly.

The second area is going to be my feeling on the FISA bill, which is coming to us tomorrow—the Foreign Intelligence Surveillance Act bill.

I think I can start off where Senator DORGAN ended. He has been brilliant on the point that speculation in oil futures is what is responsible for a good deal of this horrific runup in the price of gas at the pump. We need to do something about these speculators. We have been blocked from doing that by the Republican leadership. I wish to quote Michael Greenberg, a former director of trading and markets for the Commodity Futures Trading Commission, who testified before the Senate Commerce Committee. He said:

> Going after the speculators will bring down the price of crude oil to get at least a 25 percent drop in the cost of oil and a corresponding drop in the cost of gasoline.

Testifying Monday before a House Energy and Commerce Committee subcommittee, Michael Masters, of Masters Capital, said:

> The price of crude oil would drop to a marginal cost of $65 to $75 a barrel, about half of the current $135.

Imagine, the experts are telling us speculation is responsible for about 25