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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Eternal Spirit, whose inward fellowship means cleansing, forgiveness, peace, and power, dissolve the barriers that keep our lawmakers from You. Take away the barrier of self-sufficiency that tempts them to live independent of Your will. Remove the obstacle of spiritual blindness that makes them unaware of invisible and eternal resources. Take them over the hurdle of compromise that prompts them to deviate from integrity and to forget that You are the only constituent they must please. Give them the grace of receptive hearts and humble dependence on You. Lord, continue to fill this Senate Chamber with Your presence, empowering Senators to listen to Your voice before they speak and then to speak with the echo of Your wisdom.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President—Madam President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 3268, the Stop Excessive Energy Speculation Act.

We have a number of issues we wish to talk about for a short time this morning. First, this gas crisis is really a crisis. If someone in Las Vegas, for example, becomes concerned, as many people are, about how much it costs to drive to work every day, there are things that can be done. Maybe they can carpool, maybe there is public transportation. At least there are some alternatives. If you live in rural Nevada, the problem becomes a little more difficult, because you have to drive such long distances. But there are ways that extra travel can be avoided. If you are a mother or father, taking children to soccer games or basketball games, there is a way you can avoid that by going with your neighbor, by working out arrangements so more than one family goes in a car.

But if you are a senior citizen on a fixed income, and you see winter approaching, there are no alternatives. The alternatives are very bleak. If you cannot afford the fuel in your tank or heating oil in the Northeast, it is very difficult. You are subject to freezing and getting sick. That is why we have to do something with LIHEAP.

I have had Democrats and I have had Republicans come to me: When are you going to do something on LIHEAP? So I have a couple of unanimous consents I am going ask on LIHEAP.

UNANIMOUS-CONSENT REQUESTS—S. 3186

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program; that the bill be read three times, passed, and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I now ask unanimous consent that the Senate proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when the bill is considered, only six germane first-degree amendments be in order to the bill, three amendments from each side, and that they be subject to second-degree amendments that are germane to the first-degree to which offered; that upon the disposition of all amendments, the bill be read a third time, and the Senate then vote on passage of

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

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the bill; that upon passage of the bill, the bill be held at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Madam President, reserving the right to object, our side thinks it is imperative that we move to lower gas prices, so I object to the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

STOP EXCESSIVE SPECULATION ACT OF 2008—MOTION TO PROCEED

Mr. REID. I now ask unanimous consent that the Senate proceed to Calendar No. 882, S. 3268, the gas speculation bill, at a time to be determined by the majority leader, following consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Reserving the right to object, I understand the distinguished majority leader and the distinguished Republican leader are going to be discussing a process by which amendments might be allowed to this important piece of legislation. Therefore, pending resolution of that, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I certainly understand that.

I now move to proceed to Calendar No. 882, S. 3268.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodities Exchange Act to prevent excessive speculation with respect to energy commodities, and for other purposes.

Mr. REID. Madam President, I hope matters can be arranged today so we can move to this without having to try to invoke cloture again. This would be the 83rd or 84th time we would have to do that. I hope we can work something out.

I have said, I say again today: Is speculation the only problem with high gas prices? No. But it is a problem. Everyone acknowledges that. That is evidenced by the fact that the Republican part of the energy package has a provision in there dealing with speculation. So I hope if the Republicans, when they look at the speculation bill that we have introduced, if there is a way that can be changed, we will be happy to work with them.

I would be happy to continue discussions with the minority to determine how we can proceed through this to see what amendments need to be offered.

One of the things I want to make sure everyone understands, I have been obviously here a long time, more than a quarter of a century. And during my tenure here in the Senate, it has always been, with rare exception, when we get to a bill, whether you have a Republican majority leader or a Democratic majority leader, you find out what amendments people are interested in offering and take a look at those amendments. We look at theirs, they look at ours. This does not mean you have to approve or disapprove of the amendments. But there needs to be an idea to find out if this is worth the time of the majority or minority in entering into this debate.

So I hope we can work out something. It is extremely important that we do something on speculation and other issues relating to energy, because it is a problem.

Madam President, I am so sorry, these scripts are prepared and sometimes I do not look up to see—on our side we have 11 women now in the Senate.

I commented to my wife today, now in our family we do not do ''short'' jokes, about people being short, because my wife is 5 feet tall, I have a son who is 5 feet 2 inches, and a boy who is 6 feet 2 inches. And we do not do short jokes.

We were very busy here yesterday, and I looked to the back of the Chamber, and there were PATTY MURRAY and BARBARA BOXER, both about 5 feet tall, back there talking, I am sure scheming as to what they were going to do to get something done.

This place has changed so much in the years I have been in the Senate. When I came here, we had BARBARA MIKULSKI. Now, of course, we have, just on the Democratic side alone, 11 Democratic Senators who are women. And without any qualifications, this Senate is such a much better place because of women.

Men and women are different. They have, at least in my opinion, different thought processes and they have different abilities. So, anyway, I am sorry if I referred to the Chair as ''Mr. President'' when I know that the Senator from Arkansas is one of the fine Members of Congress, having served in the House and in the Senate, and what a pleasure it is to work with her.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, as if in executive session, I ask unanimous consent that on Thursday, July 17, that is today, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider the following nominations: Calendar Nos. 687 and 688; that there be 60 minutes of debate to run concurrently on both nominations, with the time equally divided and controlled between Senator LEAHY and Senator SPECTER or their designees, with Senator SCHUMER controlling the chairman's time; that upon the use or yielding back of that time, the Senate proceed to vote on confirmation of Calendar No. 687; that upon the confirmation of Calendar No. 687, the Senate then proceed to vote on confirmation of Calendar No. 688; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, there be no further motions in order, and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Madam President, reserving the right to object, the ranking member, Senator SPECTER, wishes a block of time for Senators to speak. He would agree if the distinguished majority leader would agree to modify his unanimous-consent request. Senator SPECTER would agree to debate from noon to 3:00 today with the votes to follow.

Mr. REID. Madam President, I am not going to agree to that modification; I will tell you why.

Mr. CORNYN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, the hue and cry of the Republicans is that we do more judges. We wanted to do more judges. I say to my friend, the ranking member of the Judiciary Committee, we have lots of time on the floor. The American public sees it all the time, where we are in quorum calls. Anytime we are in a quorum call, with rare exception, Senators can come and ask that it be called off and proceed to speak for as long as they want.

We have a number of things we need to do today. There is going to be a conversation on energy. And I recognize there are some problems with the economy. Housing is a difficult problem. Energy is a difficult problem, as are gas prices and global warming, education. But I am telling you, I cannot ever remember going home and someone coming up to me and saying: Could you guys do some more judges? We need to take care of this judges problem.

As Senator Lott said when he was the majority leader, and I am repeating my friend Senator Lott's statement: Frankly, judges are not a big issue as it relates to the other problems we are facing here in America today.

So I say, if the ranking member of the Judiciary Committee wants to come and talk for 3 hours, he can do it on his own time. There is lots of time here. We have made an offer giving reasonable time to confirm two judges, and we are happy to do that. An hour is certainly more time than is normally taken. And if Senator SPECTER wants to come and talk about the plight of the American judiciary system, he can do that, but I wish to get these two judges approved.

If they are not going to agree to that, we are not going to do the judges. It is the Republicans' call.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Madam President, I ask unanimous consent to split our time equally between myself, the Senator from Georgia, and the Senator from Missouri.

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

ENERGY

Mr. CORNYN. Madam President, after the last election in 2006, the Democrats gained control of both the House and Senate. With that victory comes responsibility; that is, to manage the agenda in a way that addresses America's most urgent priorities. Unfortunately, we have seen a record that does not reflect well and, perhaps, is one reason why poll numbers for the Congress are at a historic low. The American people, according to the latest Rasmussen and Gallup Polls I have seen, have given Congress the lowest ratings since polling began. One might ask, why is that? It is something we should all be concerned about.

First, we know it took 145 days until we finally passed a reauthorization of the Foreign Intelligence Surveillance Act. Thanks to the good work of Senators ROCKEFELLER and BOND on a bipartisan basis, they came up with a good bill. Unfortunately, we dawdled for 145 days on our ability to gather intelligence by listening to communications between foreign terror subjects. We waited for 145 days to finally get that done. Thankfully, we finally did. The rest of the record is not as good as even that. For 604 days, the Colombia Free Trade Agreement has been left pending. In Texas, we sell $2.3 billion worth of agricultural goods and manufactured goods to Colombia each year. It bears a tariff because Congress has refused to take up, principally because of the Speaker of the House, Ms. PELOSI, the Colombian Free Trade Agreement that would remove those barriers to American goods being sold in Colombia. Unfortunately, it is not a two-way street, because Colombian goods bear no tariff coming into the United States. This is an example of the congressional inaction shooting American agriculture and the manufacturing sector in the foot when it comes to their ability to compete in a global economy, due to mismanagement of the agenda.

For 749 days, judicial nominees have been waiting for an up-or-down vote on the Senate floor. I disagree with the distinguished majority leader. Judges do matter. People need access to courts. We might as well put a padlock on the front door of the courthouse if we are not going to confirm well-qualified judicial nominees to serve. Whether it is victims of crime who need access to the courts or a small businessman or woman who has a civil dispute they need resolved in a court of law, those people are being denied access to justice because we are not confirming enough judges nominated by the President.

Finally, it has been 815 days since Speaker PELOSI, before she ran for her current position, said Democrats, if elected and given the responsibility and the privilege of serving as leaders of the Congress, would come up with a commonsense plan to relieve prices of gasoline at the pump. Back when she assumed control of the House and when Democrats assumed control of the Senate, gasoline was $2.33 a gallon. Today it is $4.11, and we are still waiting for that commonsense plan to relieve the pain at the pump.

It is no secret the price of energy is driving up the price of all sorts of commodities, including food. I recently was at a food bank in Houston where they said the demand for their services to provide food to people who can't otherwise provide for themselves has gone through the roof because the cost of food has gone up, along with the cost of gasoline and energy.

We want to try to work with our colleagues on the other side. I hope we can on this Energy bill the majority leader has brought to the floor. But it only addresses a narrow aspect of the problem, speculation on the commodities futures market. We need a comprehensive bill to deal with the law of supply and demand and to acknowledge that Congress has been part of the problem and not part of the solution by imposing moratoria on development of oil and gas reserves on the Outer Continental Shelf for 27 years. Last year, when Congress put a ban on development of the oil shale in Colorado, Wyoming, and Utah, Congress became part of the problem and not part of the solution, when it comes to producing more oil domestically and relying less on imported oil from the Middle East.

I have been fascinated by the Presidential campaigns, the slogans the different parties have adopted. I know we have seen Senator OBAMA say ''Yes, we can'' and talk about change. But unfortunately, the answer from our friends on the other side of the aisle, when it comes to a commonsense energy policy, when it comes to bringing down the price of oil by producing more American supply, seems to be: No, we can't.

We would love to work with our friends on the other side of the aisle to say, yes, we can address the needs of the American people and help relieve some of the pain they are suffering at the pump. But every time we bring up an energy proposal, whether it is on nuclear energy, clean coal, offshore exploration, oil shale or ANWR, it seems we get an answer of no. The so-called energy bills our friends on the other side of the aisle have proposed do not produce one drop of additional energy or one kilowatt of additional electricity. How can you call that an energy policy?

The new energy produced as a result of our friends on the other side saying no, instead of yes, to bipartisan efforts to solve the problems has been no new energy produced. Our friend, Senator MENENDEZ from New Jersey, said we need to talk less and act more. I would agree with that. We need to talk less and act more. Unfortunately, what we have received so far is a lot of talk and no action. We need action to help bring down the price of gasoline at the pump.

Republicans believe we need a comprehensive policy that conserves energy and eliminates waste. Recently, I was in Tyler, TX, at a Brookshire Grocery, where they have modified their tractor-trailer rigs to use less diesel and modified the speed at which they drive. They are reducing consumption of the skyrocketing prices of diesel. We can conserve and use less, but we also need to find more. It makes no sense, as some have suggested, that we ought to sue OPEC to get them to open the spigot even wider so we can send more money overseas to the Middle East and to the Organization of Petroleum Exporting Countries. That makes no sense whatsoever, to pass higher tax burdens on those people who produce domestic energy. We tried that back in the 1980s during the Carter Presidency. All it did was drive down domestic production and drive up foreign imports. Eventually, as we all know, higher taxes get passed on to the consumer. That is not an answer.

We believe the answer to our energy problems is to find more and use less. As we travel this bridge to a clean energy future, we know we need more renewable fuels—wind energy, solar—to develop electricity. Yes, we need biofuels, but we have to work through the problem of using food for fuel that has contributed to higher food prices. We need a balanced energy policy.

We implore the distinguished majority leader not to try to check the box to try to say we have done something, when, in fact, we have done nothing to address high prices at the pump, and to work with us to allow us to increase supply of domestic energy. We could produce as many as 3 million additional barrels of oil a day from American sources, if Congress would simply get out of the way, lift the moratoria, and allow that exploration and production to begin. If we did that, it would send an important signal to the commodities futures markets that Congress is not going to stand in the way and that more supply will be available in the future. I believe it would have a dramatic impact and a dramatic reduction on the price of future contracts for

oil, much as we saw the President's announcement that he was lifting the executive moratorium on offshore exploration seemed to have a dramatic impact in one day, lowering the price of oil by about $8.

We ask, as respectfully and earnestly as we know how, the majority leader not to make this another political exercise but to work with us to try to create a real solution. It would reflect well on all of us, Republicans and Democrats, and we would see our basement-level popularity ratings go up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise to talk about the issue of gas prices. As I have done over the last several weeks, I wish to read a couple of letters I have received from Georgians. I know everybody in here is similar to me. You have thousands and thousands of these. But this shows how critically important this particular issue is to every single American.

Scott Needling of McDonough, GA, writes:

> Senator Chambliss: I'm fed up with Congress ignoring the will of the American people. Stop playing politics, and act on the will of the people. We have been demanding that you drill and use our 3 trillion barrels of oil. We need other resource avenues that the last three administrations [have not] addressed. Stop the partisan politics and pass the will of the people. The American people do not want a socialistic society, period. Fix the problem.

That is a very frustrated constituent.

Robin Lasseter of Tifton, GA, writes:

> Senator Chambliss: Please do something about the gas prices. I am a stay at home mom and with raising a family on one income, the price of gas is cutting us short on our needs. Something needs to be done soon. We are having to cut corners in a lot of different places in order to afford gas to and from work. Everything is increasing except wages. We both have a college education and drive fuel efficient cars, but the money we bring in just isn't stretching far enough.

This is a sample of the issues facing real people out there and they are looking to Congress for relief. I just left an Energy Committee hearing or roundtable discussion. The Presiding Officer was also there. There were two energy experts there. I wish to read several bullet points that were mentioned by these individuals who deal with this issue every single day and have a long history of studying it.

The first gentleman said, at the bottom line, supply and demand is the cause of the increase in prices today, but it is a complex issue. It ranges from the Iranian risk factor, all the way to the markets. He also said the cost of exploration has doubled in the last 4 years. The reason is a shortage of labor, a shortage of engineers, and a shortage of steel. In the markets, while speculation is a hot topic and transparency is a good thing, why have commodities risen? His answer was: First of all, the value of the dollar; secondly, oil is a good investment, and it is a good hedge against inflation.

The second gentleman said that between 2003 and 2005, there has been a shock of increased demand and decreased supply. As a result of that, the excess capacity of oil on hand by oil-producing countries has been exhausted. He said there are fears that new fields are not coming online. There are fears there is disruption in the marketplace. Between 2004 and today in the market, there has not been enough supply. There is barely an increasing amount of supply each and every year. He said oil is now a financial asset, that this happened sometime not in recent weeks or months but back in 2006 and that the primary driver of the increase in oil prices is the value of the dollar, just like the first speaker commented. He said people are looking for a place to invest. Pension funds are looking for a place to invest. They are looking for a way to hedge against the value of the dollar. Lastly, the increase in demand, which we have seen in the United States over the last couple years, is not being met by our global partners.

I say this to indicate to the American people how complex this problem is. We, as policymakers, have to take our time to make sure that we get it right with respect to whatever type of policy we set with legislation.

I think there are four issues we have to think about with respect to trying to find a solution to gas prices.

First of all, I do not think there is any question that we have to have more domestic production of oil. Today, we depend upon foreign imports for 62 percent of our petroleum needs. That has gotten way out of bounds. So it is imperative that we look for additional resources inside the United States. We have those resources. The resources are available from different assets. Some are controversial. Some are not controversial. We as policymakers have an obligation to find those areas for domestic exploration that we can get done in the short term and make sure we move that balance away from 62 percent to certainly something that is much lower and much more reasonable.

Secondly, from a gas supply standpoint—not oil supply, a gas supply standpoint—we simply have to have more gas refined in this country. There may be some oil companies that do not have excess capacity. They may be producing all they can produce. We need to make sure there are incentives out there, as we have on the books today, to incentivize additional production. If they do not have excess capacity, we need to make sure they are able to build new refineries. We have not seen a refinery built in the United States in the last 25 years. Certainly, we know what has happened with demand for gasoline in the last 25 years.

The third thing we need to do is continue down the road of research and development of alternative fuels, alternative fuels such as ethanol and biodiesel. These, again, are not the total answer to the problem, but we have taken steps in this body to make sure we have an increase in the supply of alternative fuels, particularly ethanol, over the next several years.

In my home State—which has never been an ethanol-producing State; thus, we have never been an ethanol user—we now have two ethanol production plants under construction. In the farm bill we just passed, we greatly expanded the energy title. I am very proud of that energy title we put in place in the current farm bill because here is what it does: We recognize that we need more production of ethanol in this country. We also recognize that, with the mandates we have put in place over the last couple of years, we have had some unintended consequences that have arisen.

We have 101 ethanol-producing facilities in this country today. We have an additional 100 that are either under construction or are on the drawing board to be completed within the next 14 to 16 months. All but two of those ethanol-producing facilities are resourced with corn. So, as a result of the mandates we have put in place, the demand for corn has risen for the production of ethanol, to the point where we are now seeing food prices increase.

The price of food at the grocery store today, based on the increase in commodity prices, is truly not reflected yet. The increase in food prices we are seeing today, in my opinion, is solely the result of additional transportation costs or energy costs. This fall, when our manufacturers of food products start taking in new commodities at the new prices, that is when you are really going to see an increase in the cost of food.

As a result of that, in the farm bill, when we looked at this issue, we said: We don't need to incentivize the additional production of alternative fuels from corn-based ethanol-producing facilities. What we need to do is to incentivize the production of ethanol from alternative sources, such as cellulosic products.

In Georgia, we cannot grow corn in the quantities they do in the Midwest. We have a hotter climate, a longer growing season. Our soil is not quite as rich, and we do not have the dependable rain resource they have. But there is one thing we can grow like nobody else in the country; that is, a pine tree.

The two exceptions to the 201 facilities I mentioned earlier—one located in Colorado, one located in my home State of Georgia—are going to be manufacturing ethanol from cellulosic products. In our case, in Georgia, it is going to be from pine trees. That is the type of innovation and creation we have provided for in the farm bill, and it is part of the equation we need to have in place as we move forward.

There is one other area, and that is the area of conservation. We simply have to move down the road of making sure we have alternative vehicles available for those individuals who really

want to implement conservation measures from a personal household perspective. Electric cars, battery-operated cars—those types of vehicles need to be available.

We have a bipartisan effort underway to help solve this problem. I look forward to continuing to work with Republicans and Democrats to see a resolution of this issue regarding gas prices.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time is expired.

The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am grateful to the majority leader for moving to a discussion of energy. Energy is one of the most important subjects I hear about when I go back to Missouri.

Americans are suffering record pain at the pump. They want help now. It is clear, if you are listening to the people at home, they are saying: We are all suffering. Farmers, truckers, families, and small businesses are suffering from record-high prices. Farmers are telling me their costs for farming and transportation have gone up. Nitrogen, drying—those costs have gone up. Truckers, small trucking company operators are laying off people. They are shutting down because the prices are so high and they are not able to pass along all the full costs. Families are telling me they have had to change their family budgets, their plans, because their budgets will not accommodate it. They will not accommodate $4-plus gas, going to $5. They are telling me—they are telling us—stop fighting, stop the gimmicks, stop half-measures. Do something now that will bring gas prices down.

So this morning, I ask my colleagues in the Senate: Let's get real about lowering gas prices. Any real plan that has a chance to lower gas prices must increase production, increase conservation, look at speculation and marketplace impacts. That is what I support. That is the Gas Price Reduction Act that more than 40 of my colleagues and I have introduced, and we hope more will join us.

It is like a three-legged stool: without all three legs, it will not stand up, it will not pass the test. Too many plans, such as the Democratic leadership's speculation-only bill, have only one leg. We know how long a one-legged stool will hold up.

Fundamentally, we must find more and use less, as the Senators from Texas and Georgia said. It is economics 101. It is amazing how well the American people out in the real world—where we live when we are not here working—understand that when prices are going up so rapidly, that is because demand is outstripping supply. We need to find more oil to relieve the pressure and get prices down.

The Gas Price Reduction Act will supply more oil. Right now, there are at least 18 billion barrels of oil waiting for us off our Atlantic and Pacific coasts. Many think there are many times more. That is a 10-year supply we are blocking from ourselves by our legislative action. The Gas Price Reduction Act will open those offshore areas and allow us to put American oil to use helping America.

For those who say it will take years to get, they ignore the immediate price-lowering effect of the news of new supplies. It happened this past week. Since the President announced the suspension of the Presidential moratorium on offshore drilling earlier this week, prices have fallen $10. It is now up to Congress to do the same thing and bring immediate and long-term, lasting relief to the American families and workers. The fact that we do that will bring prices down.

For those States concerned about opening and drilling off their shores, we allow States to opt in or opt out of the program. If California does not want to participate, that is fine, but that should not block the people of the State of Virginia from saying: We want to explore for oil and gas and share in the revenues and provide our people the benefits of a greater supply, which will bring the prices down.

For those who are concerned about the environment—and I hope all are; we should be—one only needs to look at how environmentally safe modern oil-drilling technology has become. We put in all kinds of standards and controls. I have seen oil drilling above the Arctic Circle, at Prudhoe Bay. The caribou, the birds, the flora flourish. Even the mosquitoes love it. It has caused no environmental damage. Please note that when we compare our environmental standards to those in other countries, our standards for development, exploration, and refining are much higher than other countries.

Some people want to go beg OPEC to produce more. Does anybody think they are going to be concerned about the air emissions, which affect the entire world, as we are in the United States? Do you believe Venezuela or Iran is going to have the same high standards we have? No, they will not.

Here in the United States, the terrible tragedy of Katrina at least proved that modern offshore drilling is environmentally safe. There was no significant spillage of oil when the hurricane blew over thousands of oil rigs in the Gulf of Mexico. It shut them down, drove the prices up, with no environmental damage.

Some say we need to force the oil companies to use leases we have before we issue new leases. They want to say: Use it or lose it. Well, welcome to the party. Guess what. That requirement is already in the leases. The leases are 6, 8, 10 years, and if they do not find any oil, then they go back to the Government. Maybe somebody else can. But they pay. They take the chance. They go into areas they have not explored, not done any seismic testing. If they do not find it, then they do not do it. That is the reason they call it exploration, because a lease is no guarantee that oil is actually present. They have to take an eyeball look at it and guess. Only after they sign the lease do they have the permission to begin seismic exploration. There is a lot of land. The oil people tell me they have a lot of goat pastures. Goat pastures are oil leases which appear to be good but are great for raising goats because they won't produce any oil. Most of these leases show no prospects for oil that is worth extracting.

Now, I would be happy to lease them a few acres in my backyard. I would be happy to have them look for it. Unfortunately, we have not had any history of having oil there, but I would be happy to have them explore for it. If they find it there, I would welcome their drilling in my backyard.

But instead of real plans to supply the American people with significant amounts of oil, we get half-measures that will do little, although calling them half-measures is probably giving them too much credit.

One plan from Democrats in the House is to raid the Strategic Petroleum Reserve and divert 10 percent of its volume to consumers—70 million barrels. Putting aside that the Reserve is for national emergencies, such as in times of war, that plan would only provide 3½ days' worth of oil. We consume over 20 million barrels a day.

What would have made a difference would have been if President Clinton had signed the authorization we passed in Congress in 1995 to explore in ANWR. The best estimates are—well, he said at the time: It will not do anything for 10 years. That was 1995. Ten years was up in 2005, and we would have been getting at least a million, and probably more, barrels a day.

But we have introduced the Gas Price Reduction Act that would provide struggling families and workers the equivalent of 10 years of new oil supplies versus the 3 days of new supplies from raiding the Strategic Petroleum Reserve.

The facts are clear: Only real relief will come from the Gas Price Reduction Act.

Of course, there are other things we can and should do to cut our oil use down the road and ensure there is no abuse. We are already using renewable fuels, lots of corn ethanol and beginning soy diesel. When we get the project right, I agree with my colleague from Georgia that cellulosic ethanol will be a help. But corn ethanol is not the reason why food prices are up. Eighty percent of the price of food is off farm. Corn production went up by 2.6 billion bushels last year. Only 900 million went into ethanol. Stop scapegoating ethanol. It is part of the solution, not part of the problem.

I will reserve the rest of my remarks for later, and I appreciate the chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

HOUSING

Mr. CASEY. Mr. President, thank you very much.

We have before the Senate in the next couple of days a number of important pieces of legislation, but one of the debates going on right now in the Senate and beyond across the country is the response by the Senate and by the administration on housing. In particular, we have a raging debate about what to do about the two so-called mortgage giants, Freddie and Fannie, as we know them by their acronyms.

There is no question that these two entities play a substantial role in what has been happening to our housing market. By one estimate, they hold half of the value of all the mortgages in the United States of America—trillions and trillions of dollars—by one estimate as much as $5 trillion. We have to apply a lot of scrutiny and exercise the kind of due diligence as it pertains to the administration's proposal to shore up Fannie and Freddie. It is vitally important. However, I think the Congress has to be able to do two or three things at once.

We have to be able, as we are applying the kind of due diligence and the kind of review the taxpayers expect us to provide—and we should do that. There is a long way to go. We can't just sign off and say the Treasury Department and the administration or any other entity can do whatever they want and we will just rubberstamp it. We have to make sure the taxpayers' interests are protected, but while we are doing that, we have to get housing legislation passed.

As the Presiding Officer knows, not just because of the families in Ohio and Pennsylvania and across the country who are suffering from the root of our economic trouble, which is one word, ''housing,'' or the problems with housing—as he knows, this legislation has been held up. There are some in Washington who are using this debate about scrutiny of the Fannie and Freddie proposal, scrutiny about taxpayer interests, which are legitimate and real, using that debate as a way to slow down the bipartisan housing legislation. I think we have to make sure we commit ourselves to a path over the next couple of days and do it with a sense of urgency about what is happening in America today because no matter what we do on due diligence with regard to the mortgage companies, if we don't provide relief to families across America on the question of housing, we will not be doing our jobs.

I think the people across this country, just as they hope we do on gas prices—they certainly believe that on the price of gas, or any other prices rising for them, especially on the question of housing—expect us to get something done. So far, there are people in this body who want to slow things down. So I think we can provide the kind of oversight and due diligence for this proposal with the mortgage giants. We can provide that oversight but at the same time move forward with housing legislation.

The fact is, for a lot of Americans, this is not some remote, theoretical question. Every day in America—every weekday, because the courthouses are not open on the weekends—every weekday, by the latest estimates, 8,400 to 8,500 enter the nightmare of foreclosure. We can debate a lot of theoretical issues, but unless we focus on that central reality for families in America, we are going to miss the boat. So all of those families every day—8,500 families every day—are entering the nightmare of foreclosure.

I know the Presiding Officer, Senator BROWN, Senator SCHUMER, and I, the three of us, a long time ago, way back in the spring of 2007—more than a year ago—put on the table the Borrowers Protection Act, which was a way to deal with this problem early, to say to mortgage originators and mortgage brokers: You are not being regulated. You are causing a good bit of this problem, if not most of the problem. We are going to regulate your conduct so that if you have a mortgage transaction and you are a broker and you are part of that and there is a homeowner, a family sitting in front of you, we are going to make sure you escrow for taxes and insurance, for example. It is not a radical idea, but they were not doing it. We are going to provide more scrutiny of the kind of activity that you have as a mortgage broker. We are going to make sure if a mortgage broker wants to make money and wants to bring families into a transaction that they have more disclosure; that they tell that family sitting in front of them more information about the mortgage documents, about the interest rate, and what this family is signing up for.

That legislation has been in front of the Senate for far too long now. That kind of bipartisan approach to this crisis is what we need more of.

I have worked with Senator MARTINEZ on the other side of the aisle on appraiser independence. We have too many appraisers in these high-end mortgages that were in some cases committing fraud and in other cases not providing enough information. We have to make sure when someone does an appraisal, they are truly independent.

What our legislation called for was having two appraisals to force appraisers to be more independent. Senator SPECTER and I have worked together in Pennsylvania to promote a great idea in the city of Philadelphia. Sometimes all the great ideas aren't in Washington, as we well know.

A judge in Philadelphia, Judge Darnell Jones, a distinguished jurist came up on his own, working with people in the city, and then supported by Mayor Nutter of Philadelphia with funding, with a program that says: We may not be able to legally force people in the marketplace to do certain things, if you have a contract between a lender and a borrower, but we can at least say that before a foreclosure moves forward, you have to have some mediation, some discussion, some meeting between the lender and the borrower. The borrower has to do something. They can't just hope for the best. They have to be able to commit themselves to paying back the mortgage, and the lender has to give as well.

These kinds of ideas in the city of Philadelphia and across the country should inform what we do here. So Senator SPECTER and I have worked to promote foreclosure mitigation. The Presiding Officer knows foreclosure counseling is not just a good thing to do; it is not just a couple of hundred million dollars that we have been able to put into legislation and become part of our law—and we need more money—but the Presiding Officer knows how important that money is to get dollars into the hands of people and entities across the country, most of them nonprofit organizations that understand not just how to work with the borrower, to work with the family when they are signing those complicated documents that mean they have to enter into an agreement where they have to pay money back over a long period of time. It is very complicated. Even if you are sophisticated in finance matters, it is pretty complicated.

This foreclosure counseling money will give dollars to entities across the country to work with families, gain the families' trust, and then work with the borrowers when they are entering into transactions. We have to do more with foreclosure counseling.

So I think on a whole series of fronts, there is bipartisan work being done in the Senate. There are good ideas on the table from communities across the country and from people in Washington. We have to continue to work together in a bipartisan way. The worst thing we could do is stop the train from moving down the track on getting housing legislation passed because we are having a debate about how much scrutiny or oversight or review there is to a Fannie Mae and Freddie Mac proposal, the kind of review we should apply to do it. We can do both at the same time.

Once in a while the Congress can walk and chew gum at the same time. This is one of those instances where, with the families out there who are suffering under the weight of this housing problem, this subprime problem that has been hanging over the country and affecting international markets and international transactions right now, it is one of those instances where we have to do everything we can to push this forward.

If you are standing in the way of getting housing legislation passed and you are using the figleaf or the argument that somehow we have to apply more scrutiny to Fannie and Freddie, I don't think you are being straight with the American people. We can do both at the same time. We can serve the interests of taxpayers on this proposal and

apply all the scrutiny and due diligence we should, but we also have to get something done on housing because the mortgage companies are going to do fine no matter what.

Fannie and Freddie will do just fine, thank you very much. But if we don't get housing legislation passed, the people who will suffer, as they have already suffered, are families, borrowers, real people out there in places such as Ohio and Pennsylvania and across the country.

So I will yield the floor but just reiterate that I urge people on both sides of the aisle to continue to work together, but we cannot leave here this summer without dealing with major housing legislation, which is already in front of us and which is already bipartisan. We can't leave here without doing that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There is 15 minutes 15 seconds.

LIHEAP

Mr. DURBIN. Mr. President, I recently received a letter from a senior citizen named Harriet, from Bartlett, IL, just outside of Chicago. She told the story that last January, when the average high temperature was about 28 degrees, she was sitting at home in a sweater, bundled up in a blanket, with the thermostat set at 62 degrees. She had cut back on her purchases of vital prescriptions for her stroke medication because she didn't have enough money to pay for her drugs and also heat her home.

Unfortunately, Harriet is not alone. Even though we are in the midst of summer with the heat outside, we have to be very sensitive to the fact that, in a few months, many people across America will face freezing temperatures, and Harriet is one of those people. Seniors living on fixed incomes, working families with limited incomes, and disabled individuals will face recordbreaking energy costs. In the New England area of our country, they anticipate that heating oil costs will double this winter over last winter. I saw that headline when I visited Maine a few weeks ago.

I know this isn't just a problem in the upper Midwest. It affects many parts of the Nation. So when you have this choice between paying utility bills and getting the prescriptions you need to stay alive, you understand how, in desperation, many seniors turn to us in Washington and ask for help.

These are choices no American should ever be faced with.

In 1981, Congress enacted a program called the LIHEAP program, Low-Income Home Energy Assistance Program. Today, it helps almost 6 million people across our Nation—low-income families and seniors—to pay their home energy costs—air-conditioning in the summer and heating in the winter. For more than 400,000 people in my State, this means air-conditioning during the sweltering 100-degree-plus days, on the worst days.

This year, funding isn't enough. A majority of the Americans who are eligible for LIHEAP don't receive any assistance because this program is not adequately funded. For those who do receive it, the average grant pays as little as 18 percent of the cost of that utility bill. Energy costs are going up, and the program's purchasing power continues to drop. Utilities are raising power prices by as much as a third—sometimes doubling—with the sharpest jump since 1970. In addition, tens of thousands of Americans have had their electricity and natural gas services cut off. Millions more are facing the danger of losing their service.

Unless we significantly increase LIHEAP, two things will happen: Fewer Americans will receive the assistance they need to keep their homes warm in the winter and cool in summer; second, those who receive assistance will receive less as energy prices soar. I have joined with 40 of my Senate colleagues, cosponsoring the Warm in Winter, Cool in Summer Act, introduced by BERNIE SANDERS of Vermont. He has been our leader on this issue. I commend him for that. The bill is endorsed by AARP, the National Conference of State Legislatures, the Alliance for Rural America, the American Corn Growers, and a lot of others. It nearly doubles funding for LIHEAP, from $2.5 billion to $5 billion. The extra money is needed desperately.

This morning, as I understand it, the majority leader, Senator REID of Nevada, on behalf of the Democrats, came to the floor and asked unanimous consent that we bring the LIHEAP bill out for consideration. As you will notice, we are not bustling with activity and business on the Senate floor. Senator REID said let's move to this bill. Unfortunately, Senator CORNYN of Texas objected. He blocked a unanimous consent request to pass this critically needed funding for LIHEAP.

Senator CORNYN argues that we ought to be talking about lower gasoline prices. I don't argue with that. But why are we pitting one against the other? The people who are going to face desperate circumstances in their homes are going to need help, whether it is air-conditioning now or heating in the winter. We should do both. We ought to pass this LIHEAP bill on a bipartisan basis, and we ought to also address the energy issues around the cost of gasoline.

I don't know why the Republicans blocked this effort to bring the LIHEAP bill to the floor. We could have done it today and passed it today and brought some piece of mind to people across America, such as Harriet, who sent me this letter. We also know we are faced with a debate on what to do about gasoline prices.

Yesterday, Senator REID came to the floor and brought a bill I am cosponsoring on the issue of speculation. Some of the business experts in our country tell us the price of gasoline today and jet fuel and heating oil and the cost of a barrel of oil has a lot to do with people who are speculators—folks who are guessing where the prices are going to go, which tends to lead the market and even push the market in the direction of higher prices. Now, you might expect that theory coming from an economics professor or maybe someone on the left of the political spectrum, but that theory comes from a lot of business people, including folks who are running our airlines today. The CEOs of airlines are struggling to survive. They tell us they think speculation accounts for up to 30 to 40 percent of the cost of gasoline and jet fuel today.

There is no rational explanation of what happened in terms of energy pricing. It is understandable if the price of oil goes up 10 percent because of some instability in the Middle East—a war or blocking of the Strait of Hormuz or an interruption of pipelines. That would be understandable. You could say: All right, that is something that would affect supply and demand. But we are in the situation where the price of oil can go up 10 or 20 percent, or more, for no reason at all—no reason at all. Sometimes the only thing they can pinpoint is that some analyst on Wall Street made an announcement at a press conference that he thought the price of a barrel of oil might go up to $200. Lo and behold, it goes up $10 the next day. You think to yourself, something is dreadfully wrong.

This isn't a question of supply and demand. Something else is at work. So we brought a bill to the floor—or we will, maybe as soon as today—that addresses speculation. The bill says the agency responsible for overseeing the trading in energy speculation, energy futures, will need more people. The number of trades has gone up 10 times what it was a few years ago, and they don't have the people to keep an eye on it. So there will be 100 more employees in the Commodity Futures Trading Commission and more computer technology.

We also talk about bringing all these energy speculation markets under one basic disclosure requirement, so we know what is going on. The fact is, when I asked the Acting Chairman of the CFTC, Walter Lukken, how big this market was in the speculation of oil prices, he said he could not tell me; he didn't know. The biggest part of this market is happening outside the public eye and outside any Government supervision or regulation.

So this bill that we will bring to the floor will to try to bring some reason to this market of speculation. Speculation is all right if it is based on market fundamentals, but if it is a matter of manipulation, it goes too far. So we want this bill to come to the floor. We would like it to be a bipartisan bill. The Republicans said they support it. Let's hope we can do that.

The LIHEAP bill ought to be something we can agree to on a bipartisan basis, along with doing something about speculation to bring down energy prices and gasoline prices. Shouldn't both parties agree on that? We can do that as well. There is an issue we are debating. You cannot turn the television on recently without seeing President Bush talking about let's drill here or there and open areas for drilling.

The suggestion of the administration is our oil companies have nowhere to turn to drill for oil, and that is why gasoline prices are so high. It turns out that is not true.

Take a look at this map. Look at the areas in red on this map. This is the Gulf of Mexico, Texas, Louisiana, Mississippi, and Alabama. These areas in red are federally owned and controlled areas under lease to oil companies, where they are not drilling. In the blue area, they are drilling. In the red area, they are not drilling. Look at this literal sea of opportunity for oil, where the oil companies are not drilling. In fact, 68 million acres of land controlled by our Government has been leased to the oil and gas companies. They believed there is something there. What are they doing with it? It turns out they are only drilling on about a fourth of those acres.

So the argument that we need to dramatically increase the acreage for opportunities to drill flies in the face of reality. Why aren't the oil companies drilling on the land they are currently leasing?

Today, the House of Representatives is considering a bill called ''use it or lose it,'' saying to the oil companies: If you are not going to drill on it, you are going to lose your lease. We will offer it to another oil company that might drill on it. So for the President and many people in his party to stand and say there is nowhere to turn to drill, look at this—all this red area in the Gulf of Mexico. But that isn't it alone. There is also a great deal of land in the United States, onshore, with the same story, Federal land that is leased for the purpose of exploration to oil companies. All the red areas are unused today. That is 34.5 million acres onshore, on land, in America, which is leased by oil companies that they are not exploring at all.

The Republicans argue—or at least suggest—they know there is some great plot of land somewhere that has lots of oil and gas, and we are restraining and restricting the oil and gas companies from exploring and producing there. I don't know where that might be. The only one they have pointed to with any specificity is the Arctic National Wildlife Refuge in Alaska. That is 1.5 million acres. We know anything you go after in that pristine area, which has been protected for 15 years, will take 10 or 12 years to put into production and will have an impact of pennies on the price of a barrel of oil. So I am afraid this argument falls on its face.

There are opportunities to drill right now—plenty of them—68 million acres' worth—and the oil companies, though they are leasing the land, are standing idly by and not doing it. When you ask why not, they say they have not had a chance to explore these or map these. In other words, there is the possibility oil and gas might be there, there is speculation there, but if they don't know whether there is oil and gas on the lands they are already leasing, how can they argue there is some other area they have never looked at that might have more oil and gas? It doesn't follow. It is a pretty weak argument.

I think most Americans would agree we cannot drill our way out of this situation. America has 3 percent of the known oil reserves in the world. Each year, we consume 25 percent of the oil produced in the world. We cannot drill our way into lower gas prices. We want to have responsible exploration and production; both parties support that. We believe these 68 million acres offer that opportunity and the oil companies have paid for that chance there and they should exercise it. But we need to do more. We need to explore renewable, sustainable sources of energy in America.

In my State, wind turbines all over downstate Illinois are generating electricity without creating pollution or adding to global warming.

In addition, solar panels are being installed and research is going on at Federal labs so we can use solar power in a way that the next generation will be able to derive electricity and fuel our economy with sources that are not going to create environmental havoc in the years to come.

We need to look at biomass. We have to look at so many other things. Biofuels—we are exploring ethanol now that is based on corn. We are now going to move into a new generation of ethanol that will use cornstalks and corncobs, literally, to make the same ethanol so that the kernel of corn can go into food and not be diverted to ethanol. All of this is on the horizon, and we should push it forward.

We need battery technology. The cars and trucks we are driving today, sadly, do not meet the requirements and demand of the energy crisis we face. I am saddened that General Motors announced cutbacks in employment in the factories across America. It is a great company which is now on hard times. But I have to say in all honesty, they were forewarned. They were making these big heavy SUVs and trucks when the rest of the world was waking up to the reality that people wanted fuel efficiency. I hope they catch up. I want them to catch up. I want America to be in the lead again when it comes to cars and trucks.

We need to push forward on battery technology so you can plug in the car when you get home at night and get up in the morning and drive 40 miles without ever using a drop of gasoline, so the electricity that is going to fire up your car is being stored in a battery that is being collected from the Sun during the day. Does it sound like a wild idea?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I close by saying that there are many opportunities for us in the area of energy. I hope the Republicans will join us and do two things: Let us agree to move forward, let us approve LIHEAP so we can get peace of mind to families concerned about heating and air conditioning bill. Let us also move forward on speculation. We should offer our alternative, Republicans should offer theirs, and then each offer an energy bill, give us their best ideas on the Republican side and the best ideas on the Democratic side. Let's vote on them. Maybe we can merge some of them. That would be a constructive debate America would like to see.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The junior Senator from Arizona is recognized.

ENERGY

Mr. KYL. Mr. President, let me say on the point my friend from Illinois made, while there may well be room for dealing with speculation as part of the overall approach to our energy crisis today, it is clear that speculation cannot be the only or even a major piece of it. Without new production, we are destined to continue to rely on foreign sources for our oil and very high oil prices.

We will be interested in getting into the debates about the relative merits of different approaches to speculation. But let me talk about a little different angle to this than has been discussed so far, and that is not only the fact that people, when they go to the gas pump, find themselves paying very high prices for oil, which hurts their family budgets and, in many cases, businesses that have to rely on fuel, but also that it is a national security problem for the United States because of our undue reliance on these other countries.

The point I want to make today is this: A lot of these countries have the ability to actually increase the price because of the instability they can create around the world. I think of the Iranians, for example. Everyone knows that we get a great deal of our oil from the Persian Gulf region, that the Strait of Hormuz is the very narrow area

through which about 40 percent of all the oil has to go. Forty percent of the world's oil tankers have to exit the Strait of Hormuz as they are picking up their oil from the Emirates, Saudi Arabia, Iraq, Iran, and so forth. That creates an opportunity for mischief, and the Iranians have been very good at exploiting that. Whenever they rattle their saber, whenever they engage in a naval exercise in that area, or when, recently, they shoot off missiles to show everybody they can be tough guys and throw their weight around in the world, that gives the markets a lot of jitters, and we saw what happened: The price of oil shoots up.

Ironically, countries that are no friends of the United States would create great mischief if they could have an additional reason for this belligerent behavior. It drives up the cost of oil, which is where they make all their money. So they literally have the ability to help dictate the price of the commodity that sustains their economy.

Iran is not the only country. Russia actually produces more than Saudi Arabia. The United States is third. But Russia, as the world's largest oil producer—about 9.84 million barrels per day—has produced about a fourth of the non-OPEC crude oil since 2007. At today's prices, that would be about $1.4 billion per day—think about that—and over $500 billion for the year; almost $1.5 billion a day into Russia's Treasury.

As a result, Russia has been able to do some things that are not in the interests of the United States. They are rearming their military with oil dollars. That is how they are able to afford all of the new things they are doing in terms of their nuclear program, their missile program, and all of the other things they are doing that are antithetical to United States national security interests.

Moreover, they have shown no reluctance to use their oil and natural gas production as a weapon as well. When countries next to them or even far away that rely on Russian natural gas or oil do something the Russians do not like, they simply cut off the supply. And they have done this numerous times. It has much of Europe, which relies on Russian natural gas, very jittery because if you make the Russian bear mad, he cuts off your source of natural gas and, in some cases, oil. This creates a very unstable and very difficult situation for these countries, and also has the effect of driving up the price of oil and natural gas.

Because both of these products are fungible; that is to say, they can be produced all around the world and everybody around the world buys them, there is a world market for them. So even though the jitters are in the Persian Gulf or in Europe, for example, the price is reflected all around the world, and the United States ends up having to pay more at the gas pump because these countries can affect the price of the commodity they rely on to fund their government.

Recently, it happened to be that Russia shut off oil to the Czech Republic. They have shut off oil or natural gas to other countries in Eastern Europe, especially when they did not agree with the Russian position on something. They have shut off natural gas supplies during the dead of winter to countries in Eastern Europe that wanted to join NATO. Russia says: We don't like that so we will shut you off.

The Czech Republic decided it wanted to help the United States and itself to be protected against missiles. So they are helping to establish a missile defense base in the Czech Republic. Russia doesn't like it, so half of what is sent from Russia to the Czech Republic is cut off.

This is the problem of relying on other countries, not to mention a country such as Venezuela. The United States gets a good deal of its oil from Venezuela. We all know the head of Venezuela, Hugo Chavez, has done everything he can to undermine United States influence in Central and South America and does everything he can to get in the face of the United States. If he wants to affect the price of oil, all he has to do is rattle his saber as well.

In each of these cases, we have a situation where the price of the product and the availability of the product is dependent upon positions over which we not only have no control but countries that have interests very inimical to ours, and the end result is it costs more for people in the United States for a very necessary product, namely, the oil and natural gas product we use to fuel our economy. This is one of the reasons why I say it is a national security issue as well as affecting the price at the pump.

It is one of the reasons why the United States has to begin to rely less on the oil produced in foreign countries and more on oil we can produce right here in the United States. It is not well known, but the United States is the third largest producer of oil in the world, after Russia and Saudi Arabia. We have huge reserves here of which we are not taking advantage. This is one of the reasons why Republicans are insisting that any legislation that comes to the floor dealing with this energy crisis include taking advantage of the resources we have. Let's free up these resources. We have them. They can be obtained in a very environmentally sensitive way, and they can help not only to reduce the cost of gas in the United States or natural gas but also to reduce the ability of other countries around the world to influence behavior in a bad way, such as shutting off the oil or natural gas for customers of theirs or driving up the cost of oil for everybody else.

I got to thinking about this in terms of the taming of the West. One of the reasons the United States became such a great country so rapidly was that we bought land with the Louisiana Purchase. We explored the West. We took advantage of natural resources that were in this country, and we quickly became a very strong power economically. We had natural gas, we had oil, we had minerals—copper and gold and all of the rest. We took advantage of the resources that we had to become a wealthy and powerful country.

One hundred years ago, we didn't mine in a very environmentally safe way, but no one can deny that the way we produce our wealth today is with great environmental sensitivity. Everyone agrees with that. It is not any longer hurting the environment. All of this production can be done, for example, offshore or in the deep waters of the gulf in a very environmentally sensitive way. We are hoping the same thing can be done with oil shale.

So when our friends say we need to be able to deal with the commodity markets here and that is going to make a big difference, the answer is, there is a lot of dispute as to whether it will make any difference at all. But we do know something that will make a difference but it will not make a difference just in the long run, it will make an immediate difference. The decision to explore and produce right here in the United States where we know we have the resources, where we are not dependent on other people, where they cannot drive up the price because they can rattle their sabers in the Strait of Hormuz or cutting off oil and natural gas supplies as Russia has done, we can stop all of that by simply producing more in the United States where we know we have it and we can produce it safely and in an environmentally sound way.

It is like the settlement of the West, as I said, in taking advantage of our natural resources. We have always been a can-do nation. We have always said we can take care of ourselves. We don't want to be dependent on others. What we have learned today is that for depending on others, we pay a very high price, and I don't mean just a high price at the gas pump but a high price in terms of our national security as well. That is the reason we are insisting on removing some of these moratoria, strictly illegal moratoria. It is a moratorium from being able to explore for energy off our coasts or in the deep waters in the gulf or on Federal lands.

There is a big up side to the Federal Government in terms of revenue royalties, as well as to States as a result of this action. So instead of paying money to foreign countries, we can be gaining some of that wealth right here in the United States.

Bear in mind that other countries are the recipients of the payments for oil around the world, not oil companies as is the case primarily in the West. We send more than $1 billion a day, not to some oil company abroad but to foreign governments. They control the oil in Russia, in Iran, in Iraq, and so on. Let's get off of sending our money to foreign governments that are working against our interests and that can affect the price of the commodity simply

by their bad actions and rely more on the resources we have in the United States, that we know we can extract in an environmentally sensitive way, that can reduce the price immediately. That is the last point I wanted to make.

Martin Feldstein had an interesting piece in the Wall Street Journal about 2 weeks ago in which he made the point that there will be an immediate downward effect on oil prices if we simply announce that we are going to go after these resources in the United States. As a result, I urge my colleagues, when the opportunity arises and we debate this issue over the next week or so, that we support increased production in the United States for the benefit of American citizens.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

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

Mr. DORGAN. Mr. President, this is a very important subject. My colleague from Arizona speaks of the issue of energy. The price of gasoline is skyrocketing. The price of oil has doubled in a year. It has an impact on everything and everybody in this country. It is important as we discuss this issue, however, that we not create false choices.

It is a false choice for anybody to suggest that, because we do one thing, we cannot do another. It is a false choice to suggest that because we take the first needed step, we are ignoring subsequent steps. We ought to do a lot of things here.

I mentioned yesterday that we had a witness come to a hearing and describe this situation. If you have someone being hauled into a hospital emergency room who is grossly obese and also suffering a heart attack, do you think some doctor who meets the gurney at the emergency room is going to look at this grossly obese person suffering a heart attack and say: All right, let's start working on a diet. We have to work on this obesity. No, of course not. He will say: Let's take emergency action to deal with the heart attack.

Now, my point is this: We have very serious energy problems. One part of it is a gross amount of excess speculation in the commodity market that has driven up—actually doubled—the price of crude oil in the past year, for which there is no justification in the supply and demand of the commodity. It seems to me, at least as a first step, we ought to address this excess speculation.

My colleagues then say you have to drill. I don't disagree with that. In 2006, I was one of four Senators who cosponsored the legislation that resulted in the law that opened lease 181 for oil and natural gas production. This is 8.3 million acres in a portion of the eastern Gulf of Mexico that is now open for drilling. Senators BINGAMAN, DOMENICI, TALENT, and I were the people who first introduced that bill. It is now law. So that is fine.

But if the only answer is to drill then I would ask those who say that, how many airlines do you think will be serving this country if we wait for 5 or 7 years until somebody gets all the permits, undertakes the testing, builds a drilling rig up in an area and pumps new oil out of the ground? How many airlines will be serving this country? I tell you, a number of them have already gone bankrupt. Several are out of business, and others will follow quickly. How many small-mom-and-pop trucking firms that can't afford to pay for the diesel in their saddle tanks are going to be out of business in the next 5 or 7 years before this notion of drilling, which is going to produce the additional supply they are talking about, will be effective? How many fewer farmers are going to be around? How many people will be around trying to figure out: How on Earth do I afford to fill my gas tank in my car in order to get to work next week because I don't have the money for the gas?

My point is, we need to do a lot of things. Yes, we need to produce more, and we need much greater conservation. By far, the most effective achievement of additional oil production is to save a barrel of oil. We are such prodigious wasters of oil and energy in this country. It is unbelievable. There is so much to be gained by conservation and energy efficiency. In everything we use from our lights, better doors and windows, insulation, virtually every appliance, hot water heaters, refrigerators, and stoves, conservation and energy efficiency are a very significant part of this issue.

So, too, is a renewable energy future. We need game-changing approaches. I want to go from here to 10 years from now in a game-changing way that says: I don't want us 10 years from today to be so dependent on Saudi oil. My colleagues, all they talk about is drilling. I am for drilling. But if that is all you are for, that is a yesterday forever strategy. Good for you. But every 10 or 20 years you are going to have exactly the same debate—drill more. You are not going to change this country's energy future at all.

So my proposition is this: How about working together on steps, a step at a time, doing a lot of things and doing them right. How about the first step? We just had testimony this morning in the Energy Committee from someone that cited a recent report from the CFTC which indicated that more than 73 percent of those trading in the commodity futures market have nothing at all to do with hedging a physical commodity. That is not what they are interested in. They are speculators. He called them investors, but they are speculators. In fact, he said speculators. He said I actually called them investors.

But if 73 percent of that market for the oil futures is now devoid of people who are actually trying to hedge a physical product between consumers and producers, then that market is broken. That market has gone far afield of what it was created to do.

The market was created in 1936. When it was created, Franklin Delano Roosevelt warned about excess speculation when he signed the bill. And the bill itself had a provision dealing with excess speculation because of concern that speculators could take over a market and ruin the market.

The proposition is this: What has happened in the last 14 months that has allowed that market to price oil to double in price? What has happened with respect to the fundamentals of oil supply and demand that would justify that? The answer is: Nothing. Nothing. It has been pure, relentless, excess speculation moving massive quantities of money into this marketplace speculating on crude oil futures.

I have mentioned many times the description of Will Rogers about speculation because it is not new to America. It happens. When it happens and markets are broken, we have a responsibility to take some action. Will Rogers described it as someone buying things they will never get from people who never had it. You can add, in this day and age, with money they don't possess.

So what we had is unbelievable excess speculation in the marketplace. There are some who scoff and say that is not happening. One of my colleagues this morning said what is happening is supply and demand. Well, I ask my colleagues to come to the floor and describe to me the events that have occurred in the last 14 months or so that would justify doubling the price of gasoline or oil. They will not come to the floor because they can't. The knowledge of the significant change in supply and demand in the last 14 months does not exist.

This is not about supply-and-demand fundamentals. Go back 2 or 3 years and ask yourself: What do we know about the desire of the Chinese or Indians to drive more cars? What do we know about all those factors that might, in the longer term, increase demand for gasoline or diesel? Did we not know them a year ago? Is that new knowledge? Not at all.

The fact is, nobody is going to come to this Chamber and tell us there is something that has happened to supply and demand that justifies the doubling of the price of gasoline and oil because it does not exist. This doubling existed because, in my judgment, of excessive, reckless speculation in the futures markets for oil. We have a responsibility to do something about it.

Now, the legislation that we introduced yesterday is the Stop Excessive Energy Speculation Act of 2008. Let me say that again: Stop Excessive Energy Speculation Act of 2008. I worked with Senator REID and others on the legislation. It is not brought here, as my colleague from Arizona just suggested, to

do this and nothing else. That is a false choice, and it is being presented on the floor of the Senate every chance they get. If we do this, it means we don't want to do anything else. I say let's do this and everything else.

Now, I am not suggesting, as some perhaps would, that we drill in the Grand Canyon or drill in the Everglades. There are certain areas where we ought not drill. We have a substantial amount of area that is available for drilling. And when they say: Well, we are not drilling. Why don't you go north of Kidder, ND, and take a look at a rig right now. We have about 70 to 80 of them in North Dakota, and they are drilling right now in something called the Bakken shale.

Some may not understand, but in the last 2 months, the U.S. Geological Survey put out an assessment that said the Bakken region has the largest assessment of recoverable oil ever recorded in the lower 48 States. This is 3.6 billion barrels to 4.3 billion technically recoverable barrels, and they are pulling oil out of that formation. There are drilling rigs all over western North Dakota and eastern Montana.

So when someone suggests we are not drilling, that's nonsense. Get a car and drive around a little. I will show you where the rigs are. We are drilling onshore and offshore. We have, in fact, opened lease 181, a portion of the Gulf of Mexico that was not previously opened until 2006. We don't see a lot of activity there at the moment, but we did that because there are substantial oil and gas reserves there.

I will make one additional point. There are a half million barrels that can be potentially produced off the coast of Cuba. Spain, Canada, India, and others are interested. But U.S.-based companies are not able to get involved in leasing off the coast of Cuba because we have an embargo against Cuba, among other things. President Bush doesn't want us to be involved in this region.

So it is not a case where those who come to the floor suggesting that we drill, drill, drill, would want us to drill everywhere. In fact, the legislation they brought to the floor of the Senate that touts drilling conveniently left out a substantial portion of the eastern Gulf of Mexico because a Member on their side doesn't support that. So they left that out of their proposal. Oh well. I guess one doesn't have to be consistent to come to the floor to make presentations.

The issue is this: Let's do something together because this country's economy is being damaged. American families are being injured, and farmers, truckers, and airlines are getting killed with these prices. Let's do something together to address it.

What would make sense? What is the first step, or at least a sensible first step? Does it make sense to say let's do something that will provide some relief in 7 years? That will be great to tell Aunt Millie: I know you won't be able to pay your fuel bill this winter, but 7 years from now, just wait, we will have another field in production someplace.

What about taking first steps first? What about stopping excessive energy speculation with the bill we introduced yesterday? Now, how does the bill do that? It requires the Commodity Futures Trading Commission, which has been a regulatory agency that I have had fairly strong words about recently, to actually stand up, put on striped shirts, blow the whistles and be the referees for this marketplace. They have been an abysmal failure, in my judgment. They have an acting chairman, who says: What, me worry? The only thing going on here is the market demands and the fundamentals are working. It is just supply and demand.

In fact, the Commodity Futures Trading Commission has been issuing over the years what are called ''no action letters.'' Boy, that is a fitting tribute to this agency—no action letters—that have said, essentially: We are not interested in seeing what is going on. In fact, we will be willfully blind to what is going on, and here is a letter that demonstrates we are interested in that position.

So what we say in the bill is: Look, there is a regulatory agency here, and we believe it ought to function and we require it to function in a certain way. No. 1, we say it ought to distinguish between groups of traders. There are those who are hedging their risk, the consumers and producers of a physical product, because that is the purpose for which this market was established and all others. All the others are speculators.

And this bill would impose substantial position limits on what are the nonlegitimate hedge trading transactions. Again, very specific. Within 30 days, we would require the regulator to impose very specific and strong position limits on all non-legitimate hedge trading. What that does is to take some of the air out of this balloon and put some downward pressure on oil and gas prices.

Now, I have shown this chart many times, but it is worth going over some of the things we have heard here in the Congress, and it is worth it because of those who come to the floor to say: What speculation? There is no speculation.

I had Fidel Gheit, an interesting guy, testify in front of our committee before, and I have talked to him by phone, and here is what he says:

> There is no shortage of oil. I'm convinced oil prices shouldn't be a dime above $55 a barrel.

And he said, talking of the futures market:

> I call it the world's largest gambling hall. It is open 24/7. Unfortunately, it's totally unregulated. It's like a highway with no cops and no speed limits and everybody going 120 miles an hour.

Energy Secretary Bodman, who is one of these people who says there is nothing going on with respect to these marketplaces and this speculation, says:

> There is no evidence that we can find that speculators are driving futures prices for oil.

He says he can't find the evidence. Well, let me find evidence that indicates the opposite. Here are at least two examples. First, the House Subcommittee on Oversight and Investigations released a report showing that speculators in the oil futures market went from 37 percent to 71 percent. It seems to me that is some pretty substantial evidence. Second, testimony this morning before the Energy Committee revealed that speculators represented 73 percent of the market—almost identical.

So I would say to the Secretary: If you can't find the evidence, I can. If you have the right evidence, maybe you could search for the right solution.

Our Energy Information Administration—the EIA—doesn't do anything with respect to policy. We spend $100 million for this agency, and it is supposed to simply provide the best information available. Here is the information they have provided: In May 2007, they said here is where we think the price of oil will be—right across here, about a straight line. In July 2007, they said: Here is where the price of oil will be. In September 2007 and in November 2007, they said here is what we think. Now, in March 2008, here is where we think it will be.

Well, guess what. These lines were so far off, I mean it is almost laughable. Here is where the price of oil went. Why is that? I assume these folks were taking a look at supply and demand and the normal relationship that determines a price, and they didn't understand that what has happened is that this market is perverted and broken as a result of excess speculation. The price went just like a Roman candle.

There is no way to describe this as anything that is rational. We are not off not by a mile, but by a country mile.

I had a hearing on this subject. Of course they couldn't answer the question of why they were off so far.

The senior vice president of ExxonMobil:

> The price of oil should be about $50 to $55 per barrel.

The same with the president of Marathon Oil, same answer.

My sense is that we ought to do everything, but we have folks coming to the floor of the Senate to say: You can't do anything unless you do drilling first.

We are doing drilling right now, but we will not allow you to do anything unless you do something that is going to affect something 5 or 7 years from now.

It doesn't make much sense to me. It seems to me, if this is an opportunity to move forward, you address the hurdles that are in front of you. The first hurdle, it seems to me, is to set this market straight. I believe the market we have with respect to the futures

market is broken. There is reason to debate that. I respect those who disagree, but I think the evidence is not on their side.

What I think we should do is decide we have a very serious problem, and we should address it three steps. The first step would be to tackle this speculation issue. We introduced that legislation last Tuesday. That legislation brings everything under the control of the Commodity Futures Trading Commission so they can see all of it, including the over-the-counter trades on foreign exchanges. It requires strong position limits. The fact is, it requires that a distinction be developed between legitimate hedgers and just pure speculators. We should do that. So that is step No. 1.

Step No. 2, it seems to me we should develop a broader position with the six or eight things we need to do as a country in a much more aggressive way that increases additional production, conservation, and energy efficiency measures because all of these opportunities in the future.

For step three, we ought to do something that is game changing because we come here every 10 years or so, every 20 years, and the drillers come in and say: The only way to solve our energy problem is to drill. As I said, that is a yesterday forever policy. That is fine if you are comfortable coming back to the same debate and putting our country in the same position. But the game-changing approach, in my judgment, is to say there are a lot of ways for us to develop renewable sources of energy, a lot of ways for us to develop renewable sources of energy in a way that really changes our energy future significantly.

Those are the three things I think we ought to do and do them in that order and fairly close order, and I believe we ought to do it understanding that this is an emergency.

If all we do is just to deny that this market is broken and deny that there is excess speculation, then we will just be talking past each other. If that is all we do, I wonder how many airlines will be left in this country 5 or 7 years from now, if that is the time period in which maybe you get some additional drilling up and get some additional production? How many trucking firms are going to be operating out there? How many mom-and-pop firms go belly-up in the next 6 months or year or 2 years? How will the folks who are trying to fill their tanks and figure out how they are going to pay gas prices go to work? How will they fill that tank to get to work next week or next month or next year?

I think there is an urgency. One of the things to respond to with respect to that urgency is the first challenge in front of us. That urgency is to set straight the excess speculation in this marketplace. We can do that. There is nothing Republican or Democratic about that. It is just to look at this with a level head and say: Here is a problem, let's address it. The underlying law that created the futures market was created in 1936. It has a provision dealing with excess speculation.

I will make one final point. The regulatory authority here has been an abysmal failure, but that is not just in this case. We face a lot of challenges today. We face challenges with respect to banking. We face challenges with respect to the subprime scandal and a whole range of other things, and you can trace it right back to the root that so many people felt regulation was a four-letter word. They decided we want to have regulators who decided not to regulate. That is certainly the case with this market. It is the case with other issues as well.

I think we have a Congress that has the responsibility and opportunity to set it straight.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I believe Senator STEVENS is going to speak, but I ask unanimous consent that he be recognized on the completion of my statement.

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

Mr. GREGG. Mr. President, obviously the issue of energy is at the center of everybody's concern.

Does the Senator from Alaska wish to go forward?

Mr. STEVENS. Yes.

Mr. GREGG. Mr. President, I ask to reserve my time and ask that I be recognized at the completion of the presentation by the Senator from Alaska.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am here once again because the price of oil remains at a historic high. It has come down slightly today, and I hope that will continue. As a matter of fact, I hope people listen to what we are saying so it will come down because I do think this drop has something to do with the fact that everybody is talking about speculation.

There is no question that my people, Alaskans, are paying more for fuel oil and gasoline and petroleum products than anyone in the country despite the fact that we produce almost a million barrels of oil a day. We don't have any gasoline refineries. We have refineries for jet fuel because we have such an enormous traffic, through our State, of commercial cargo planes. Of course, during the summertime we have enormous tourist traffic to our State by the airlines.

It is a great problem for us right now because we have less than a million people spread out over an area that is more than twice the size of Texas. We are absolutely fuel-intensive in terms of our lifestyle because 70 percent of our cities can be reached only by air year round. We really have to deal with the problems that are presented by this energy crisis.

I applaud the President lifting the offshore drilling ban. I do think it sent a signal to the country that it is a very serious thing. After all, his father placed that in effect, and it has been there, and it really is something that has to be dealt with.

The difficulty is that even with the ban lifted and even with full approval of the Congress, we are going to the Outer Continental Shelf now to determine how much we can produce. We know we can produce a great amount, but how much we can produce from the Outer Continental Shelf? Two-thirds of the Outer Continental Shelf is off our State, and there is only one oil well there now. There are hundreds of thousands of wells in the other one-third, but because of the constant opposition of those who oppose exploration and development in our State, we are stymied.

Take for instance the leases on the Chukchi Sea, which is the area off the northwest coast of Alaska, some 70 miles off the coast. The oil industry has obtained leases there to explore for and develop that area for its oil and gas potential. That has been, now, tied up for over a year by a series of lawsuits. One of them is claiming that oil and gas exploration would harm the polar bear. I want the Senate to know that just a week ago, the ice at that area was 17 feet deep. The ice is not disappearing the way people say it is, particularly in the period of time when the polar bears are there. But beyond that, the difficulty is there is a whole series of things that—these people who are against exploration and development in my State have caused wildlife to be listed as endangered or at least threatened, and they are using those findings in order to delay the development of new facilities to bring us the new production we need, the new production the Government needs.

It reminds me of the time I spent here on the floor—almost 4 years—in the seventies when the first group litigated again and again to delay the oil pipeline. Finally, we reached the stress point where we had to ask the Senate to do something it had never done before and hasn't done since, and that is to close the courts of the United States to this constant delay in building that pipeline. We finally brought that amendment to the floor. It was debated at length for 4 days, and it ended up with a tie vote—the only tie vote at

the time of the then Nixon administration. Vice President Agnew broke the tie. It was 49 to 49.

Think of what that means. At that time, there was a paradigm that the Senate would not filibuster anything that involved national security. The availability of oil to meet our needs is a matter of national security, but we faced a filibuster ever since then, in terms of trying to develop the Arctic.

One of the things we ought to look to today, though, is the letter that has been sent by almost all the airlines in the United States. AirTran, Alaska Airlines, American Airlines, Continental, Delta, Hawaiian, JetBlue, Midwest Airlines, Southwest, United, and U.S. Airways, all joined in sending a letter to the holders of their frequent flier programs dealing with the problem of the skyrocketing oil and fuel prices and what they are doing to destroy the capability to provide air transportation to the United States.

I read before and let me read again this one paragraph. I think it is absolutely something everyone should understand. I am quoting now from this letter signed by all the presidents and heads of these companies.

Mr. President, I ask again to have it printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. The letter says:

> Twenty years ago, 21 percent of oil contracts were purchased by speculators who trade oil on paper with no intention of ever taking delivery. Today, oil speculators purchase 66 percent of all oil future contracts, and that reflects just the transactions that are known. Speculators buy up a large amount of oil and then sell it to each other again and again. A barrel of oil may trade 20-plus times before it is delivered and used; the price goes up with each trade and consumers pick up the final tab. Some market experts estimate that the current prices reflect as much as $30 to $60 per barrel in unnecessary speculative costs.

If those pieces of paper that represent future delivery of oil are purchased by people who are just speculating and that purchaser ends up, after selling the paper, acquiring it again, to me, that is absolute proof of a criminal conspiracy in this country.

I think this speculation has to stop. We have to start talking more about it, and we have to do something about it. What I would do is make sure it is a criminal matter if someone acquires the same piece of paper dealing with futures in oil and has no ability to use the oil. I really do not think there is any reason—I can understand a company might buy ahead for 2 or 3 years in oil and buy futures and hedge against the price, that, in fact, it might go up, but people who buy those pieces of paper solely to manipulate the price—and that is what happens when someone not involved, these institutional investors, buys a piece of paper to buy oil in the future and then sells it to another institutional investor and then another one. If that piece of paper ends up in the same hands the second time, to me, that is a criminal conspiracy, and it is time we looked at that and understood it. This letter sets it forth.

Believe me, any Member of the Senate who ignores this letter ignores the fact that every single frequent flier person in the country has it in their hands. I don't know about the rest of you, but I am getting thousands of letters from people who are sending me this letter and saying: What are you going to do about it? I say what we have to do about it is send a signal to these speculators to take notice that Congress is serious about speculators.

I know there is a difference of opinion out here on the floor of the Senate, there is no question about it, but in the last 5 years, investments in commodity index funds jumped from $13 billion to $260 billion. That means institutional investors have gone from owning $13 billion worth of oil futures to $260 billion in oil futures.

Now, someone tell me that is not a conspiracy.

Let me put up this chart. This chart represents the so-called NYMEX oil futures. The red on the chart represents the price of oil; the gold represents the volume of trading. The volume of trading has gone up, but the price has gone up more than twice as much as the volume.

There is only one thing that can drive up a spike like that. That is speculation, it is not demand. Someone told me not to try to understand supply and demand in the oil business. I think I know something about oil demand in the oil business, because we tried to meet that demand in terms of our State. We had a better chance of satisfying the demand of the United States than any State. But to have this situation go along I think is wrong, to go forward I think is wrong.

I have personally talked to one of the economists. I must say he does not share my feelings that we ought to make this a crime immediately, because, it is my understanding, he does not believe we have seen evidence of criminal conduct yet.

But I say it is criminal conduct if someone owns one of those pieces of paper twice. There is no reason to sell a future in oil and then turn around and buy it later at a higher price. They are actually being acquired and turned over more than 20 times before the oil is delivered. That ought to be something the Justice Department and the CFTC should have notified us on before it took the time of all of these presidents of these companies to send this letter to their customers so they can send it on to us. These people have told their customers to contact us. Well, this is one time I hope all of us listen to what they are saying. Because there is no question that we have to find some way to restrict this trading to those who need oil in the future, those who legitimately hedge to try and save their customers money, not to cost them more money but to save money. A true hedge would save money for the customers of the particular person who acquired the futures.

I think the legislation Senator FEINSTEIN and I introduced some time ago represents an important step toward breaking this bubble. The position limits we would place on institutional investors would be very minimal and would make them stay away from market manipulation.

If we can see these investments shift away from the energy commodities and back to the stock markets the way we have in the last few days, I think the stock market would recover.

I thank my friend from New Hampshire for letting me use part of his time. But I say, we cannot stop at mandating transparency. We have to do something to put these people in fear before they will stop this action of driving this price up.

EXHIBIT 1

> An Open letter to All Airline Customers:
>
> Our country is facing a possible sharp economic downturn because of skyrocketing oil and fuel prices, but by pulling together, we can all do something to help now.
>
> For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities. To the broader economy, oil prices mean slower activity and widespread economic pain. This pain can be alleviated, and that is why we are taking the extraordinary step of writing this joint letter to our customers. Since high oil prices are partly a response to normal market forces, the nation needs to focus on increased energy supplies and conservation. However, there is another side to this story because normal market forces are being dangerously amplified by poorly regulated market speculation.
>
> Twenty years ago, 21 percent of oil contracts were purchased by speculators who trade oil on paper with no intention of ever taking delivery. Today, oil speculators purchase 66 percent of all oil futures contracts, and that reflects just the transactions that are known. Speculators buy up large amounts of oil and then sell it to each other again and again. A barrel of oil may trade 20-plus times before it is delivered and used; the price goes up with each trade and consumers pick up the final tab. Some market experts estimate that current prices reflect as much as $30 to $60 per barrel in unnecessary speculative costs.
>
> Over seventy years ago, Congress established regulations to control excessive, largely unchecked market speculation and manipulation. However, over the past two decades, these regulatory limits have been weakened or removed. We believe that restoring and enforcing these limits, along with several other modest measures, will provide more disclosure, transparency and sound market oversight. Together, these reforms will help cool the over-heated oil market and permit the economy to prosper.
>
> The nation needs to pull together to reform the oil markets and solve this growing problem.
>
> We need your help. Get more information and contact Congress by visiting www.StopOilSpeculationNow.com.
>
> Robert Fornaro, Chairman, President and CEO, AirTran Airways; Bill Ayer, Chairman, President and CEO, Alaska Airlines, Inc.; Gerard J. Arpey, Chairman, President and CEO, American

Airlines, Inc.; Lawrence W. Kellner, Chairman and CEO, Continental Airlines, Inc.; Richard Anderson, CEO, Delta Air Lines, Inc.; Mark B. Dunkerley, President and CEO, Hawaiian Airlines, Inc.; Dave Barger, CEO, JetBlue Airways Corporation; Timothy E. Hoeksema, Chairman, President and CEO, Midwest Airlines; Douglas M. Steenland, President and CEO, Northwest Airlines, Inc.; Gary Kelly, Chairman and CEO, Southwest Airlines Co.; Glenn F. Tilton, Chairman, President and CEO, United Airlines, Inc.; Douglas Parker, Chairman and CEO, US Airways Group, Inc.

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

Mr. GREGG. Mr. President, it is my understanding that I have 10 minutes to speak as in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, I rise to participate in this discussion on energy. I agree with the Senator from Alaska, and I agree, in part, with the Senator from North Dakota, that there has to be an addressing of the issue of speculation.

I think any deal that takes shape on this floor will help if we do that. In addressing the issue of speculation, there are a lot of different factors, however. One of them is that we make sure to maintain control over these commodity markets, and we not create an atmosphere where these commodity markets move offshore and therefore we lose any regulatory control on our part.

But, in addition, I do not think we can repeal the laws of common sense. The essence of the law of common sense is that you have India and China moving toward fairly developed nations and creating massive increases in the demand for oil. There are 2.5 billion people in those two countries. We have 300 million people in our country. We still use the majority of the world's oil. But the simple fact is that demand for oil has radically increased, and we are not going to be able to reduce our energy costs in this country unless we produce more American resources, and also conserve more. That is the simple fact. It is a function of supply and demand. And part of producing more means that we have got to look at those places where we have sources of energy. Two of the key places we have sources of energy are offshore and also oil shale. Both of those resources and, in fact, in the case of oil shale, those resources, the reserves of oil there, exceed the reserves of Saudi Arabia by a factor of two or three. In both of those instances we can recover energy by exploring and drilling in a manner that is environmentally safe. We have proved that beyond any question relative to offshore drilling, when you see that Hurricane Katrina came right up the gulf coast and destroyed one of our great cities but at the same time there was essentially no oil leak or no gas leak from any of the production facilities in the Gulf of Mexico.

We have proven we can produce this energy in a safe and environmentally sound way, and we need to produce it. If you want to see the price of energy drop in this country, you have got to show the world community that we as a nation are willing to step forward and produce and conserve more energy. The way you produce more energy is by drilling, drilling offshore and using the underground resources of oil shale which exceed the reserves of Saudi Arabia. So if we want to address the cost of energy, we should do it, and we should do it now. We should not be waiting.

That is why I congratulate the President for lifting the moratorium. The Senate should lift the moratorium that was put in place by the Senate, by the Congress, on both oil shale and offshore drilling.

(The remarks of Mr. GREGG pertaining to the introduction of S. 3279 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATIONS OF PAUL G. GARDEPHE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK AND KIYO A. MATSUMOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations: Calendar Nos. 687 and 688, and that the Senate proceed to vote on confirmation of the nominations; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, and the Senate then resume legislative session; and that any statements relating to the nominations be printed in the RECORD; and that after this consent is granted, Senator SPECTER of Pennsylvania be recognized for 1 hour.

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

Under the previous order, the Senate will go into executive session and proceed to the consideration, en bloc, of Executive Calendar Nos. 687 and 688, which the clerk will report.

The assistant legislative clerk read the nominations of Paul G. Gardephe, of New York, to be United States District Judge for the Southern District of New York; and Kiyo A. Matsumoto, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Paul G. Gardephe, of New York, to be U.S. District Judge for the Southern District of New York, and Kiyo A. Matsumoto, of New York, to be U.S. District Judge for the Eastern District of New York?

The nominations were confirmed.

Mr. LEAHY. Mr. President, today we continue to make progress by having confirmed two more nominations for lifetime appointments to the Federal bench: Paul Gardephe for the Southern District of New York and Kiyo Matsumoto for the Eastern District of New York.

These nominees each have the support of the New York Senators, who worked with the White House to identify a slate of consensus nominees. I thank Senators SCHUMER and CLINTON for their consideration of these nominees. I also thank Senator SCHUMER for chairing the hearing on their nominations.

It is ironic that again this week the Senate Republicans have made another attempt to make a partisan, election-year issue out of the confirmation of judicial nominations. This is the one area where the numbers have actually improved during the Bush Presidency while the life of hardworking Americans has only gotten more difficult. Inflation is now on the rise, jobs are being lost, gas prices have skyrocketed, food prices have soared, health care is unaffordable and what Republicans come to the floor to pick a partisan fight about today is the pace of judicial confirmations.

Americans have seen the unemployment rate rise to 5.5 percent and trillions of dollars in budget surplus have turned into trillions of dollars of debt. This week General Motors announced layoffs. The annual budget deficit is in the hundreds of millions of dollars, the dollar has lost half its value and the costs of the Iraq war and interest on the national debt amount to $1.5 billion a day. And today Republicans spent their time on the Senate floor—after the Democratic leadership of the Senate had pushed through two more judicial confirmations to lifetime appointments—to complain about the pace of judicial confirmations.

When President Bush took office, the price of gas was $1.42 a gallon. Today it is at an all-time high of over $4.10 a gallon. The Nation's trade deficit widened 8 percent in April alone due to the surging gas prices, and is now at its highest level in 13 months. The housing crisis and mortgage crisis threaten the economy. The Chairman of the Federal Reserve gave sobering testimony this week to the Senate and the House. The stock market lost 2,000 points in the first 6 months of the year and went

under 11,000. But Republicans want to talk about judicial confirmations, an issue that they hope will charge up rightwing voters.

Struggling Americans—no not whiners, but hardworking Americans trying to do the best they can for their families—are more concerned about critical issues they face in their lives each day. They are concerned about affording to heat their homes this winter. They are concerned about gas prices that have skyrocketed so high they do not know how they will afford to drive to work. They are concerned about the steepest decline in home values in two decades. More and more Americans are affected by rising unemployment, with job losses for the first 6 consecutive months of this year tallying over 438,000. Americans are worried about soaring health care costs, rising health insurance costs, the rising costs of education and rising food prices. The partisan, election-year rhetoric over judicial nominations, at a time when judicial vacancies have been significantly reduced, is a reflection of misplaced priorities.

Our progress today in confirming two more nominations for lifetime appointments shows that when the President works with home state Senators to identify consensus, well-qualified nominees, we can make progress, even this late in an election year.

Paul Gardephe has been a partner and chair of the Litigation Department at the New York law firm of Patterson, Belknap, Webb & Tyler LLP since 2003. Previously, Mr. Gardephe worked in the private sector and also held several positions with the Department of Justice, including special counsel for the Office of the Inspector General.

Kiyo Ann Matsumoto is a U.S. magistrate judge in the Eastern District of New York. Prior to her appointment to the bench in 2004, Judge Matsumoto served as an assistant U.S. attorney for the Eastern District of New York and also worked in private practice. Judge Matsumoto is only the fourth Asian-American judge appointed by this President in nearly 8 years. Her mother and father spent time in an internment camp during World War II, one of the dark days in American history when we allowed fear and prejudice to undermine our commitment to liberty and justice. Now Judge Matsumoto is poised to be confirmed to a lifetime appointment to the Federal bench, charged with protecting the rights of all Americans.

I congratulate the nominees and their families on their confirmation today. The Federal judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent, and able to provide justice to all Americans, without fear or favor.

Even while we hear a steady stream of grumbling from Republicans, responding to partisan pressure from special interest groups, the Senate continues to make progress in reducing judicial vacancies to lows not seen in decades. We have gone quite a ways to make up for the abuses the Republicans committed during the Clinton years. Since the years in which Republicans pocket-filibustered more than 60 of President Clinton's moderate and qualified judicial nominees, and judicial vacancies topped 100, we have cut vacancies by more than half and reduced circuit court vacancies by almost three-fourths from a high point of 32, to just nine throughout the entire country and throughout all 13 Federal circuits.

The contrast is stark between the Democratic majority that cut vacancies dramatically during the Bush Presidency and the Republican majority that doubled them during the Clinton Presidency. The 100 nominations we confirmed in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reduced the vacancies by 45 percent by the end of 2002. Consider this snapshot: On July 15, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in Presidential election year, there were 61 judicial vacancies. Twenty were circuit court vacancies On July 15 of this year, before today's two confirmations, there were 42 total vacancies throughout the country, and for the first time in decades, circuit court vacancies were in single digits, at just 9. For the first time since Republicans began their obstruction of President Clinton's judicial nominees in 1996, circuit vacancies had been reduced to single digits.

With 40 additional confirmations last year, and another 16 so far this year, the Senate under Democratic leadership has already confirmed more judges than in the entire last Congress. In 2 full years with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President, 54 nominations were confirmed. After the two confirmations today, we will have already reached 56 judicial confirmations for this Congress. Two additional nominations remain pending on the Senate's Executive Calendar. With a little cooperation from Republican Senators, who objected earlier today to the majority leader's proposal to consider two judges today with a 1 hour time agreement, those two judicial nominations could also be confirmed. Then we will not only have exceeded the total of the last Congress but equaled under Democratic leadership the total number of nominees confirmed in 4½ years of Republican control of the Senate. Truth be told, President Bush's judicial nominees have been confirmed faster by the Democratic majority than by the previous Republican majority of the Senate. To date, the Democratic majority has confirmed 156 of President Bush's judicial nominations in the 3 years that I have chaired the Judiciary Committee. Judicial vacancies have fallen from 9.9 percent at the start of the Bush administration to just 4.7 percent today.

The colloquies on the Senate floor today included misinformation about judicial emergency vacancies. Many of these resulted from the Republican slowdown during the Clinton years. In fact nearly half of the judicial nominees the Senate has confirmed while I have served as the chairman of the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergencies, including 9 of the 10 circuit court nominees confirmed this Congress. This is another aspect of the problem created by Republicans that we have worked hard to improve. When President Bush took office there were 28 judicial emergency vacancies. Those have been reduced by more than half.

Republicans playing to the far right wing of their political base ignore this progress. They also ignore the crisis they had created by not considering circuit nominees in 1996, 1997 and 1998. They ignore the fact that they refused to confirm a single circuit nominee during the entire 1996 session. They ignore the fact that they returned 17 circuit court nominees without action to the White House in 2000. They ignore the public criticism of Chief Justice Rehnquist to their actions during those years. They ignore the fact that they were responsible for more than doubling circuit court vacancies during their pocket filibusters of Clinton nominees or that we have reduced those circuit court vacancies by almost three quarters.

In fact, as the Presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman ORRIN HATCH declared that ''There is and has been no judicial vacancy crisis,'' and that 7.2 percent was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' As a result of their inaction, the vacancy rate continued to rise, reaching 10 percent when the Democrats took over the Senate majority in 2001.

Democrats have reversed course. We have cut circuit court vacancies by nearly three-quarters, from a high of 32 to only 9. With the confirmation of two nominees today, the vacancy rate will be just 4.7 percent.

I have yet to hear praise from a single Republican for our work in lowering vacancies. I also have yet to hear in the Republican talking points any explanation for their actions during the 1996 congressional session, when the Republican Senate majority refused to allow the Senate to confirm even one circuit court judge.

Republicans' childish antics this year include boycotting business meetings of the Judiciary Committee, cutting hearings short or objecting to them being held and cutting short business meetings of the committee. Today we were scheduled to consider a number of bipartisan measures. Several are important items on which Republicans had already delayed consideration since June. They include the bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act, a bipartisan OPEN FOIA bill and the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act. In addition, we had before us the Fairness in Nursing Home Arbitration Act, the Fugitive Information Networked Database Act, the Methamphetamine Production Prevention Act and the National Guard and Reservists Debt Relief Act.

I had hoped that today we would be able to report these measures. A few words about one of them—the legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act. This bill would strengthen our efforts to stop the abhorrent practice of human trafficking around the world. Our bill enhances protections for victims of these terrible crimes. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the word, mostly women and children, and we must do all that we can to be more effective in confronting this continuing problem. I thank Senator BIDEN for his leadership. Unfortunately, Republican partisan antics have gotten in the way of progress on this front and delayed the Judiciary Committee and the Senate from acting on this measure.

Rather than meet and work on the human trafficking bill and the others, a number of the Republican Senators who serve on the Judiciary Committee came to the Senate floor while Republicans objected to the committee meeting. That is too bad.

They previously boycotted business meetings for the month of February when we were trying to report judicial nominations. That only slowed our progress. Then, when we tried to expedite consideration of two circuit court nominations in May, they objected. Those judicial nominations were finally confirmed late in June.

As my friend, the senior Senator from Pennsylvania may recall, while chairman of the committee, I helped him move forward with the judicial nominations of Nora Barry Fischer, and Thomas Hardiman to the Third Circuit, and with Legrome Davis, Michael Baylson, Cynthia Rufe, Christopher Conner, John Jones III, David Cercone, Timothy Savage, Terrence McVerry, Arthur Schwab, James Gardner to the Federal district courts in Pennsylvania despite the way President Clinton's Pennsylvania nominees were treated. I also had the committee proceed to the Third Circuit nomination of D. Brooks Smith, a nomination which I did not support. As ranking member, I worked with Chairman HATCH and Chairman SPECTER in connection with the confirmations of Michael Fisher and Franklin van Antwerpen to the Third Circuit, as well as the nominations of Thomas Hardiman, Gene Pratter, Lawrence Stengel, Paul Diamond, Juan Sanchez, and Thomas Golden to Federal district court in Pennsylvania. With the exception of two nominees from Pennsylvania currently pending before the Judiciary Committee that do not have the support of their home State Senators, every judicial nominee for a Pennsylvania vacancy nominated by President Bush has been confirmed by the Senate. That is 23 nominations in all, including four to the Third Circuit.

As my good friend from Iowa may recall, I expedited confirmation of John Jarvey and Michael Mellow to the Eighth Circuit, and James Gritzner and Linda Reade to the Federal district court in Iowa. As we discussed at a recent committee business meeting, thanks to all our work, there is no Federal judicial vacancy in Iowa, not one.

I did not hear the Senator from Arizona recall my cooperation over the years in the confirmation of a number of Federal judges in Arizona. The Senate confirmed David Campbell, Neil Vincent Wake, Frederick Martone, Cindy Jorgenson, and David Bury. Among the last judges confirmed in 2000 was the Senator from Arizona's close friend James Teilborg. I accommodated Senator KYL as recently as last month in connection with the most recent Federal judge appointed in Arizona, Judge Murray Snow. That filled the only vacancy on the Federal bench in Arizona. So like Iowa, given our action, there is no Federal judicial vacancy in Arizona, not one.

As for my friend from Alabama, he is another member I have gone out of my way to assist over the years. In particular, I remember the confirmation of Kristi Dubose. There were also the confirmations of Karon Boudre, Callie Granade and Mark Fuller while I chaired the committee. The Senate has also confirmed William Steele, L. Scott Coogler, R. David Proctor, Virginia Hopkins and W. Keith Watkins, all of whom I supported. Having helped confirm 10 Federal judges in Alabama since 2001, I wondered why he did not note that Alabama is another State that, thanks to our efforts, has no judicial vacancy, not one.

I look forward to a time when Senators from the other side of the aisle return to work with us on the important legislative business of the Judiciary Committee. It would be refreshing if they recognized the progress we have made on filling judicial vacancies. We have not pocket-filibustered 60 of President Bush's judicial nominees, as they did to President Clinton. We have not engaged in tit for tat. But, as even Senator SPECTER acknowledged this morning, nothing we do will satisfy Republican Senators.

Mr. COBURN. Mr. President, today I join my colleagues in calling for up-or-down votes for the President's judicial nominees. I supported the decision not to attend the Judiciary Committee's Executive Business Meeting this morning because the committee does not appear to be serious about its responsibility to process nominees. Today's agenda contained no nominees, and no hearings have been scheduled for the many qualified individuals who await them. One of our highest constitutional responsibilities in the Senate is the consideration of judicial nominees. If the Judiciary Committee agenda does not include nominees, there is little point in attending its meetings. I hope the chairman will take note of Republicans' absence and schedule nominees for both hearings and markup without further delay.

Now I would like to take a minute to respond to a comment made by the majority leader this morning. He said, ''I can't ever remember going home and somebody . . . saying, 'Could you guys do some more judges? We need to take care of this judges problem.' ''

For the record, I would like to say that I have not had the same experience with my constituents in Oklahoma. In fact, I frequently hear from them regarding their interest in judicial nominations. Here are just a few examples:

Lou Baber, from Oklahoma City, writes: ''I am incensed by the U.S. Senate's lack of action on the federal judicial nominees President Bush has proposed for seats on district and appeals courts. . . . I hope you will take action in the coming weeks on an issue that has already seriously damaged the Senate's reputation.''

Samantha Jones, from Claremore, writes: ''Please . . . vote for . . . judicial nominees in the confirmation process. They deserve fair treatment . . . we need good judges.''

Peggy Low, of Yukon, writes: ''Will you please press the other senators to give the judicial nominees an up-or-down vote, pronto? That is their job and [it is] so overdue.''

Barbara Tipton, of Chandler, writes: ''Please push to have the judicial nominees come to the full Senate for a vote.''

John and Pam Rawlins, of Ponca City, write: ''I want to applaud and thank Senator Coburn for bold[ly] standing up for the many judicial nominees that are blocked in the Senate. KEEP IT UP! That is what you are elected to do. We in Oklahoma understand this and [are] 1000 percent behind you.''

As I said, there are just a few of the many letters I have received from home about this issue. I will ask that they be printed in the RECORD.

As demonstrated by the statements I just read, my constituents understand what some in this body do not: The

issue is not about getting more judges, it is about confirming quality judges who will uphold the Constitution. Isn't this our clear constitutional responsibility?

Part of the reason I decided to run for the Senate was my desire to see judicial nominees receive an up-or-down vote and my desire to restore a restrained judiciary, bound by our Constitution, laws and treaties. Too often fundamental liberties and important decisions are taken away from the American people by judicial fiat. The Constitution gives the American people, through their elected officials, the right of self-determination by allowing legislative bodies closest to the people decide the important issues of the day.

You don't have to look far to find examples of judges overriding the people's will—one recent example affected my home state of Oklahoma. Last month, in a 5–4 decision, the Supreme Court held that the death penalty is an unconstitutional punishment for the rape of a child. The majority assumed a ''national consensus'' that the death penalty for child rape was unconstitutional and then substituted its own independent judgment for that of the people and the law, declaring it inconsistent with ''evolving standards of decency.'' Yet Oklahoma, along with five other States, had laws permitting the death penalty for such offenses. Congress had even adopted the penalty, a fact somehow overlooked by the Court. One decision by five unelected judges struck those laws down.

Americans are right to be outraged by this kind of judicial activism. Oklahomans chose to protect their children by allowing the death penalty for anyone convicted twice of rape, sodomy or lewd molestation involving children under 14. Now, because a handful of judges halfway across the country declared the state's decision to be inconsistent with so-called ''evolving standards of decency,'' their sound judgment has been overruled.

Given this example and many others like it, it is clear that Americans are concerned about the Senate's treatment of judicial nominees. If further evidence is needed to prove the point, a recent Rasmussen poll shed light on the issue. It found that, by a 69 percent to 20 percent margin, voters believe that judges should interpret the law as it is written. Sixty-one percent say they trust voters more than judges or elected officials to decide important decisions facing the country.

The obstruction that has occurred in the 110th Congress is unacceptable. It is time to break this stalemate and confirm more of the President's highly qualified nominees.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

I am incensed by the U.S. Senate's lack of action on the federal judicial nominees President Bush has proposed for seats on district and appeals courts. For this reason, I am urging you to use your influence to urge the Judiciary Committee and the Majority Leader to prioritize this important issue.

Many of the nominees for these important positions are well-qualified and have already gone through the Senate's confirmation process before. There is no reason not to consider their candidacy for a federal judgeship. As a member of the Center for Moral Clarity, a national Christian grassroots organization, I hope you will take action in the coming weeks on an issue that has already seriously damaged the Senate's reputation.

Thank you for considering my opinion.

LOU BABER,
Oklahoma City, OK.

Please make a vote for the judicial nominees in the confirmation process. They deserve fair treatment in this. We need good judges.

SAMANTHA JONES,
Claremore, OK.

DEAR DR. COBURN, will you please press the other senators to give the judicial nominees an up or down vote pronto? That is their job and so overdue. Thank you for all your good work on behalf of the unborn and for our country.

Sincerely,

PEGGY LOW,
Yukon, OK.

Please push to have the judicial nominees to come to the full Senate for a vote. Thank you.

BARBARA TIPTON,
Chandler, OK.

I want to applaud and thank Senator Coburn for boldly standing up for the many judicial nominees that are blocked in the senate. KEEP IT UP! That is what you are elected to do. We in Oklahoma that understand this are 1000 percent behind you.

Go with our blessings!

JOHN and PAM RAWLINS,
Ponca City, OK.

Mrs. CLINTON. Mr. President, I am pleased that the Senate today confirmed the nomination of two New Yorkers to the Federal bench.

Kiyo Matsumoto had served as a magistrate judge in the Eastern District of New York since 2004. Prior to her appointment, Judge Matsumoto served in the U.S. Attorney's Office for the Eastern District of New York for more than two decades and held the position of deputy chief of the civil division in that office. Judge Matsumoto has taught as an adjunct law professor at the New York University School of Law as well as worked as a legal research and writing instructor at the Brooklyn Law School. Judge Matsumoto has also served as a member of the Federal Court Committee of the City of New York Bar. Now that she has been confirmed, Judge Matsumoto becomes only the eighth active Asian-Pacific American Senate-confirmed judge on the Federal bench out of approximately 850 judges nationwide.

Paul Gardephe was most recently a partner and chair of the Litigation Department at the New York law firm of Patterson, Belknap, Webb & Tyler LLP. Previously, Mr. Gardephe was a special counsel for the U.S. Department of Justice Inspector General's Office. He has also worked for the law department of Time Inc., where he held the positions of vice president, litigation deputy general counsel, and Associate General Counsel. Prior to this work, Mr. Gardephe served in the U.S. Attorney's Office for the Southern District of New York for nearly 10 years. For the past 15 years, Mr. Gardephe has taught trial advocacy at New York Law School as an adjunct professor.

The careers of both nominees have been marked by a record of achievement and a commitment to public service. I am certain that each of these individuals will be a credit to the Federal judiciary and will continue to exhibit the qualities that have defined their entire careers: devotion to justice and respect for the rule of law. I am proud to have supported each of their nominations, and I commend Senator SCHUMER and the members of the Judiciary Committee on their diligence in ensuring that our Federal courts are served by men and women of such distinction.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Pennsylvania is recognized for up to 1 hour.

CONFIRMATION PROCESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the résumés of the two nominees who have been confirmed be printed in the RECORD. The résumés show these two individuals to be well qualified.

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

PAUL GARDEPHE

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Birth: 1957, Fitchburg, Massachusetts.

Legal Residence: New York.

Education: B.A. and M.A., magna cum laude, University of Pennsylvania, 1979; J.D., Columbia Law School, 1982—Articles Editor, Columbia Journal of Law and Social Problems.

Employment:

Law Clerk, Honorable Albert J. Engel, United States Circuit Judge for the Sixth Circuit, 1982–1983.

Litigation Associate, Patterson Belknap Webb & Tyler LLP, 1983–1987.

Assistant United States Attorney, United States Attorney's Office, Southern District of New York, 1987–1996—Assistant United States Attorney, 1987–1992; Chief, Appeals Unit, Criminal Division, 1992–1995; Senior Litigation Counsel, 1995–1996.

Consultant (Special Counsel), Inspector General's Office, United States Department of Justice, 1996–2000, 2001–2003.

Time Inc. Law Department, 1996–2003—Associate General Counsel, 1996–1998; Deputy

General Counsel, Litigation, 1998–2000; Vice-President, Deputy General Counsel, 2000–2003.

Partner, Patterson Belknap Webb & Tyler LLP, 2003–Present—Chair, Litigation Department.

Selected Activities: Member, American Bar Association; Member, Federal Bar Council; Member, New York State Bar Association; Member, Disciplinary Committee, New York State Supreme Court, 1st Department; Former Member, Rules Committee, U.S. Court of Appeals for the 2nd Circuit.

ABA Rating: Unanimous ''Well Qualified.''

KIYO A. MATSUMOTO

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Birth: August 29, 1955; Raleigh, North Carolina.

Legal Residence: New York.

Education: B.A., with high honors, University of California at Berkeley, 1976; J.D., Georgetown University Law Center, 1981—Legal Research and Writing Fellow, 1980–1981. No degree, New York University, School of Continuing and Professional Studies, 1989.

Primary Employment: Associate, MacDonald, Hoague & Bayless, 1981–1983; Assistant United States Attorney, United States Attorney's Office, Eastern District of New York, 1983–2004; Magistrate Judge, United States District Court for the Eastern District of New York, 2004–Present.

Selected Activities:

Adjunct Professor of Law, New York University School of Law, 1998–2004; Legal Research and Writing Instructor, Brooklyn Law School, 1985–1986; Vice Chair, New York City Mayor's Committee on City Marshals, 2003–2004; Outstanding Public Service Award Recipient, New York County Lawyers' Association, 2004; Federal Bar Council, 1995–Present—Member, Board of Trustees, 2000–Present—Vice Chair, approx. 2004–2007; Member, Committee on the Second Circuit Courts, 1995–Present.

New York Bar Association, 1994–Present; Member, United States Department of Justice, Civil Chiefs' Working Group, 2001–2003; Member, Asian American Bar Association of New York, 1990–Present; Member, Asian American Legal Defense and Education Fund, 1990–2005.

ABA Rating: Unanimous ''well qualified.''

Mr. SPECTER. Mr. President, let me emphasize to my colleagues on the Republican side who have requested time to speak that we do have an hour. I will speak for only a few minutes. We have the distinguished Senator from Iowa who is available to speak next. We are open to have others come to take part of the time.

Today, the other Republican members of the Judiciary Committee chose not to attend an Executive Business Meeting because there were no judges on the agenda. We have seen that there is tremendous partisanship, acrimony, and bitterness about the facts regarding the whole confirmation process in this Chamber at the present time. We find a situation where President Bush's confirmation numbers are far behind President Clinton's in the comparable period. President Clinton, in the last 2 years of his Presidency, had 15 circuit judges confirmed, 57 district judges confirmed, contrasted with 10 circuit judges for President Bush and 44 district court judges. We have found, regrettably, that this pattern has been evolving over the past couple decades. We have seen in the last 2 years of President Reagan's administration, when the Senate was controlled by the Democrats, the confirmation process was slowed. Similarly, in the last 2 years of President George H.W. Bush, the Democrats controlled the Senate, and the process was slowed. Then, for 6 years during President Clinton's administration, the last 6, the Senate was controlled by Republicans and the matter was exacerbated. There were determinations to not confirm President Clinton's judges. I spoke out at that time and voted to confirm President Clinton's qualified judges and disagreed with my caucus because I thought we ought not to be partisan and impede the confirmation of judges due to the importance and public interest of having the courts handle litigation in a timely way. But the situation was ratcheted up, first by Democrats, and then by Republicans.

Then we saw this Chamber badly divided in 2005, with filibusters by the Democrats and threats by Republicans to put into effect the nuclear or constitutional option to change the rules on filibusters. So the matter has gone from bad to worse. It is hard to see how it can get much worse, but it seems to be getting worse. It is my hope we will find a way to break this cycle.

What we find is the minority party, whichever party that is, has been turned into recidivists. We have a cycle of recidivism blocking the confirmation of judges. Nobody knows for sure what is going to happen in the Presidential election this year or what is going to happen in the Senatorial elections, but it may be that there will be a Democratic President. It may be that the Democrats will control the Senate. I would not like to see the rapidly deteriorating situation which we now have now turn into a situation where there will be filibusters by the Republicans in the 111th Congress. For a long time the Democrats filibustered Fifth Circuit nominees, claiming Clinton's nominees were filibustered years back. Now we have a good many Fourth Circuit nominees who are not receiving hearings or votes. I am afraid we are going to have the same situation exacerbated with Republicans taking a position similar to the Democrats current position. It is my hope we will yet be able to do something about it.

Earlier today, Senator REID came to the floor and mentioned me by name. I gave Senator REID notice that I would be on the floor at 12:15 today, when I had some time allotted. I believe it is a good practice, not only a good practice, not only a preferable practice, but it ought to be the practice to let a Senator know if you are going to talk about him on the floor so he can come and reply, if he chooses to do so. But, Senator REID was commenting about the excessive amount of time Republicans wanted, an hour and a half. We had an hour equally divided a few weeks ago, and that left Republicans with a half an hour. Senator WARNER had a judge on the list and didn't have any time to speak. Senator BOND came to the floor, and there was no time for him on Republican time. I understood later—I found out this morning—that he got some time from Senator LEAHY.

But, all any Senator has to do is call. If Senator REID doesn't like the time request and wants it at an hour, he can call me. I realize he has a responsibility to administer this Chamber, and I am prepared to cooperate with him. But, it is my hope we will yet move ahead.

We have a large number of individuals who have been waiting a very long time in the confirmation process. Tomorrow marks the 750th day that Peter Keisler has waited for Committee action. Steve Matthews in the Fourth Circuit has been waiting 315 days for a hearing, and Judge Robert Conrad in the Fourth Circuit from North Carolina has been waiting for a year today.

One further comment before yielding to Senator GRASSLEY. There has been a lot of talk about the so-called Thurmond rule. The contention has been made that there is a rule, articulated by Senator Thurmond, which dictating that there are no judicial confirmations late in the final year of a Presidency, not after the summer. Allegedly, the concept was discussed at the Republican National Convention, where Senator Thurmond reportedly made a comment, although no quotation is directly attributable to Senator Thurmond, that they ought to wait until after the election to see who was elected before there were confirmations of other judges. But the facts are that no such practice was ever implemented. The facts are exactly to the contrary. It is true that on September 10, 1980, Senator Thurmond blocked 13 pending judicial nominations, but he gave his reasons why. He said: ''Our investigation has not been entirely completed on some of them.'' A week later, on September 17, Senator Thurmond withdrew the objections, and all 10 were confirmed on September 29. Then, the most conclusive evidence that there is no Thurmond rule was pertains to the situation with now-Supreme Court Justice Breyer. Justice Breyer was nominated by President Carter on November 13, 1980, after President-elect Reagan had been elected. So there was a vacancy that, had the Senate not confirmed him, would have awaited the next President. The nomination was acted upon very promptly, with the receipt by the Senate on November 13 and a hearing on November 17, even faster than the 1-week rule, which was waived. Breyer was reported out by committee on December 1 and confirmed by the full Senate on December 9. So how can you have a Thurmond rule if a circuit vacancy on the First Circuit is confirmed, even after a new President has been elected?

The evidence shows there are many confirmations late in the Presidential

term. I cite only a few. There was an additional circuit nominee confirmed in September of 1980. After September 1, 1984, 5 circuit court and 12 district court judges were confirmed. After September 1, 1988, five circuit court and nine district judges were confirmed. After September 1, 1992, three circuit court and nine district court judges were confirmed.

We have found, understandably, that arguments are made, depending upon what suits the purpose of the particular advocate. But, it is worth noting that Senator LEAHY said on May 4, 2000:

> There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Similarly, Senator REID said, on March 7 of 2000:
>
> It is a myth that judges are not traditionally confirmed in Presidential election years. It is simply not true.

So, in the year 2000, when the Democrats sought to confirm President Clinton's nominees, reference was made to the fact that the Senate regularly confirms judicial nominations late in the term—the substance of the so-called Thurmond rule.

We ought to try to move, I suggest, away from positions where we articulate a view when it suits our purpose and then articulate a different view later. We ought to try to come to a point in this body where we understand reciprocity and understand that the rules ought to apply both ways. There is no Thurmond rule for Democrats when Republicans are in control and there is a Democratic President, and there is no Thurmond rule when the situation is reversed.

We have a similar situation, which is tearing at the heart of Senate procedures, where in modern times both Republican and Democratic leaders have adopted a process of taking procedural steps to prevent amendments from being offered. That practice has been engaged in by Senator Mitchell for the Democrats, Senator Lott and Senator Frist for the Republicans, and now, more by Senator REID for the Democrats.

Bills come to the floor, and the traditional right of a Senator to offer amendments is foreclosed by this procedural device, and the response is a filibuster. Senator REID then points to Senator MCCONNELL, saying that the filibuster is blocking Senate action. Senator MCCONNELL points to Senator REID saying that the filibuster is only in response to filling the tree.

These are just a couple of examples where positions are taken. And, it is understandable that they are taken to promote whatever objective Senators want at any particular time. But, I suggest the interests of the public and the procedures of the Senate would be much better served if we accepted principles and applied them to Democrats when it benefits Democrats and applied them to Republicans when it benefits Republicans. It is my hope, to repeat—which I do not like to do—that we are going to have to find a way out of this impasse, and we are going to find a way to restore some comity and to confirm judges in places where there are judicial emergencies and the public is suffering so that we do not repeat this cycle of recidivism and set the stage for the next Congress and the Congress after that to continue this nefarious practice which is harmful to the public.

Mr. President, I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to ask if the Senator would yield?

Mr. SPECTER. I do yield.

Mr. GRASSLEY. Mr. President, I say to the Senator, he talked about judicial emergencies. I think it would be good if the public knew what a judicial emergency is and why it is so important that we emphasize getting those positions filled ahead of others and why there should be no excuse for holding them up, if you have any respect for the work of the judicial branch of Government.

Mr. SPECTER. I thank the distinguished Senator from Iowa for the question.

A judicial emergency has been defined by the Administrative Office of the Courts according to the backlog of cases and depending on the circumstances, as to how long litigants have had to wait. What it means in real world terms is, if somebody is injured, for example, in an automobile collision—a diversity case—and is out of work and has big medical expenses, that person's case does not come to trial and he does not get a decision as to what has happened. Or it may be a matter involving jobs in a community where there is an antitrust case, and it is delayed, both in the trial court and on appeal. But, every one of these judicial emergencies—and I put them in the RECORD before, but I ask unanimous consent to have them printed again at the conclusion of our discussion here—means that people are waiting to have their controversies decided, and they are undergoing very difficult circumstances being out of work, no salary, medical expenses, illustratively, while they wait for their case to come up.

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

(See exhibit 2.)

Mr. GRASSLEY. Mr. President, if the Senator will yield further—and I only remember two names, but I think these two names would permit me to ask a question that I think is legitimate and that the public ought to take into consideration as to the holding up of those nominations—I remember the Senator mentioned a Peter Keisler, who has been waiting for 750 days, and Robert Conrad, who also has been waiting for a long period of time, 365 days. Now, obviously, if these nominations are not being processed, there must be people who think these individuals are incompetent and should not be nominated. So what are the accusations of incompetency for these individuals not being approved?

Mr. SPECTER. Mr. President, responding to the question, there are no allegations of incompetency. Quite to the contrary. Nobody is saying that.

Mr. GRASSLEY. Well, if they are competent, shouldn't they be approved?

Mr. SPECTER. Yes, they should be. The reason they have not been approved is that there is an interest in holding open these vacancies in the event there is a President of the other party to fill them with the Democrats. Nobody is making any bones about that, I say to Senator GRASSLEY. That is the obvious and admitted reason.

Mr. GRASSLEY. So I draw the conclusion, I say to the Senator from Pennsylvania, that the people blocking these nominations really are not concerned at all about the efficient operation of the judicial branch of Government. But we should get our job done and confirm these nominees because that is what it takes for the judicial branch to get their work done. The judiciary needs to have the personnel to get their job done.

Mr. SPECTER. Mr. President, I respond by saying to the Senator from Iowa that is a very harsh accusation, very harsh accusation he has just made. But, since he has made it, I will say that it is true.

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the distinguished ranking member of the Judiciary Committee is here and has been so experienced in these matters and been through the wars and battles over nominations for some time. And we have had a good bit of that, but we have also, in the end, had a pretty decent understanding of the responsibilities the committee has to honor the President's nominations and give them an up-or-down vote and not just shut down the process.

I guess my question would be, I say to Senator SPECTER, Senator LEAHY's statement at the Judiciary June 12 executive business meeting—he announced he was invoking the so-called Thurmond Rule, and he said: "We are now way past the time of a Thurmond rule named after Senator Thurmond when he was in the minority, and I'm trying to respect that. We are still putting judges through. But I must note this point; further judges will be moved only by a consent of the two leaders of the Senate and the two leaders of this committee," which, of course, says fundamentally that unless Senator LEAHY and Senator REID approve of a nominee, from this point on, it is not moving forward.

I know you conducted an open hearing and discussion of that. I ask the Senator basically how he feels about the definition of the "Thurmond Rule" and what it really means and whether

we are doing something that is unprecedented here.

Mr. SPECTER. Mr. President, I thank the Senator from Alabama for the question. There was a Republican forum on Monday of this week to examine the Thurmond Rule. I had notified Chairman LEAHY of it and had written to him about it, and I ask unanimous consent to have that letter printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 8, 2008.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR PAT: Following up on our telephone conversation late yesterday afternoon in which I advised that I would raise no technical objection to the Thursday hearing, I am amplifying my comments about the forum which the Senate Republican Conference has scheduled for next Monday, July 14th, at 2:00 P.M. in SR–385.

That Republican forum, one in a series, will deal with the issue of the so-called Thurmond Rule. As I mentioned to you on the phone yesterday, it seems to me that is one which could benefit from participation by Democratic members of the Judiciary Committee if there is any interest on your part in doing so.

Obviously, there is a fuller development of any issue when there are pros and cons; and, not unexpectedly, the Republican view is there is no rule, Thurmond or otherwise, to preclude confirmation of judges this year.

Distinguished experts have been invited as follows: Professor John McGinnis, Northwestern Law School; Mr. Roscoe Howard, former U.S. Attorney, District of Columbia; David Bohm, Assistant Executive Director of the North Carolina Bar Association; Mr. Steve Rutkus, Congressional Research Service.

If there is any interest on your side of the aisle or if you would like to add an additional witness (witnesses), we would be pleased to try to accommodate.

My best.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. During the course of that forum, to answer the question directly from the Senator from Alabama, we had an expert from the Congressional Research Service—the nonpartisan body—come in to trace the origins of the so-called Thurmond rule. He stated that it arose back in the Republican Convention in 1980, when Senator Thurmond raised the possibility of holding up confirmations until after the election, but it was never done.

The facts are that there were 10 district court judges confirmed in September of 1980, and now-Justice Breyer was nominated to the First Circuit by President Carter after the election, on November 13, and was confirmed in December 1980. Another circuit judge was confirmed after September of 1980.

I put in the RECORD earlier a litany of district and circuit judges confirmed after September in the last year of a Presidential term. I also put into the RECORD statements which had been made by Senator REID and Senator LEAHY that there was no practice, no rule of not confirming judges at the last part of a President's term, say after Labor Day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wonder if my colleague would yield for a question.

I would like to ask our distinguished ranking member of the committee, aren't there several well-qualified judicial nominees currently pending in the Judiciary Committee who have been denied fair up-and-down votes? For example, Mr. Peter Keisler, the former Acting Attorney General, has been rated unanimously ''well qualified'' by the American Bar Association and has earned bipartisan praise from attorneys, professors, and even editorial pages. I know the Washington Post and the L.A. Times have praised his nomination, calling him a ''moderate conservative'' and a ''highly qualified nominee'' who ''certainly warrants confirmation.'' Notwithstanding those outstanding qualifications, tomorrow, I believe, will mark 750 days that Mr. Keisler has been waiting for a committee vote.

Mr. SPECTER. Mr. President, responding to the question, the Senator from Arizona is correct. Peter Keisler has been praised in all quarters for his capabilities. He served as Assistant Attorney General and as Acting Attorney General. He has drawn editorial praise and is extremely well qualified, both academically and professionally, and is simply being held up because at one time in the past there was a Republican concern about the need for additional judges on the Circuit Court for the District of Columbia. And, that issue has since been satisfied.

Mr. KYL. Mr. President, might I inquire of my colleague further on that precise point?

With regard to the filling of the circuit court for the District of Columbia, we had testimony by Mr. Roscoe Howard, very recently in the Senate Republican caucus forum on judicial confirmations—this was just last Monday—that the numbers the majority relies on for that argument that the Senator identified are outdated. He noted that the Judicial Conference recently issued statistics indicating that in recent years the DC Circuit Court's docket has increased and that it has been processing appeals more slowly because of additional workload, and this has corresponded with an increase in the median wait time between the notice of appeal and disposition of a case, which, in fact, he notes is the longest since 1995.

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. The current statistics show a need for another judge there, and there is no reason to withhold the confirmation of Peter Keisler, except to keep a vacancy open with the hope of having the new President of the other party fill it.

Mr. KYL. Mr. President, just one more point.

I also note, when I heard Mr. Howard's testimony demonstrating further the need to fill this seat, he noted that Judge Raymond Randolph of the DC Circuit recently announced he would be taking senior status on November 1 of this year, which means the seat to which Mr. Keisler is nominated is actually the 10th seat on that circuit. Is that not correct?

Mr. SPECTER. The Senator from Arizona is correct again.

Mr. KYL. Mr. President, again I say to Senator SPECTER, just to confirm my understanding here, in addition to Judge Randolph, Judge David Sentelle currently is eligible for senior status. Next year, Judge David Tatel and Judge Judith Ann Rogers will be eligible for senior status. Judge Karen Henderson and Judge Douglas Ginsburg will be eligible in 2009 and 2011, respectively. Am I correct on that?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct, yes.

EXHIBIT 2

CURRENT JUDICIAL EMERGENCIES WITH NOMINEES

Nominee	ABA	Date vacant	Nomination date	Senate action	Pending
William E. Smith (1st Circuit)	Substantial Majority Well Qualified/Minority Qualified	12/31/06	12/06/07	No Action	224 days
Shalom Stone (3rd Circuit)	Substantial Majority Qualified/Minority Well Qualified	1/31/06	7/17/07	No Action	365 days
Gene Pratter (3rd Circuit)	Unanimous Well Qualified	10/23/06	11/15/07	No Action	245 days
Robert Conrad Jr. (4th Circuit)	Unanimous Well Qualified	7/31/94	7/17/07	No Action	365 days
Rod Rosenstein (4th Circuit)	Unanimous Well Qualified	8/31/00	11/15/07	No Action	245 days
Thomas Farr (E.D. N.C.)	Unanimous Well Qualified	12/31/05	12/07/06	No Action	588 days
James Edward Rogan (C.D. C.A.)	Substantial Majority Well Qualified/Minority Qualified	5/22/06	1/9/07	No Action	555 days
David R. Dugas (M.D. L.A.)	Unanimous Well Qualified	1/15/07	1/15/07	No Action	549 days

Mr. KYL. Mr. President, it seems to me, given these facts, it is even more imperative that Peter Keisler be at least voted on, and I would argue confirmed, to the DC Circuit, and it seems to me no other reasons than purely political motivations seem to be blocking his confirmation.

Mr. GRASSLEY. Mr. President, I ask Senator KYL, aren't there a lot of other well-qualified nominees being blocked as well?

Mr. KYL. Mr. President, the answer to my colleague from Iowa is yes. Mr. Steve Matthews of South Carolina and

Judge Robert Conrad of North Carolina, for example, are both impressive nominees who are exactly the kind of judges the severely understaffed Fourth Circuit Court of Appeals needs.

Mr. GRASSLEY. How close are they to being confirmed?

Mr. KYL. That is a very good question. Judge Conrad has been waiting for a hearing for 365 days. Today is the 1-year anniversary of his nomination, even though he was unanimously rated ''well qualified'' by the American Bar Association, and Mr. Matthews has been waiting for a hearing for 315 days.

Mr. GRASSLEY. I ask Senator KYL, didn't Chairman LEAHY and the other Democratic members of the Judiciary Committee say that a unanimous ''well qualified'' rating by the American Bar Association is somewhat of a ''gold standard'' by which all nominees should be judged?

Mr. KYL. Yes. I guess I would say that was then, this is now. But in addition to the ABA rating, I note that Judge Conrad in particular meets the other three criteria that Chairman LEAHY has stated are his standards for quick confirmation.

Mr. GRASSLEY. Of course. Isn't he nominated to fill a seat deemed ''a judicial emergency'' by the nonpartisan Administrative Office of the Courts?

Mr. KYL. The answer is yes. Chairman LEAHY has said—and I think all of us would agree—that judicial emergencies should be addressed quickly. In fact, in a press release in January of last year, he stated:

> There are several outstanding judicial emergencies. . . . I hope to expeditiously address some of these emergency vacancies in the Judiciary Committee.

Mr. GRASSLEY. Yes. We have always had an understanding around here that if both Senators of the home State supported a nominee, they would move forward. Doesn't Judge Conrad satisfy this third prong of the ''Leahy standard'' for confirming judges since he has the strong support of both his home State Senators?

Mr. KYL. Yes. Both Judge Matthews and Judge Conrad have the support of their home State Senators. In fact, on October 2 of last year, Senators BURR and DOLE sent a letter to Senator LEAHY asking for a hearing for Judge Conrad, and they spoke on his behalf at a press conference on June 19 that featured numerous friends and colleagues of Judge Conrad's who had traveled all the way up from North Carolina to DC to offer their support for his nomination. On April 15, 2008, Senators BURR, DOLE, GRAHAM, and DEMINT sent a letter to Senator LEAHY asking for a hearing for Judge Conrad and for Mr. Matthews.

Mr. GRASSLEY. I believe it is also true, that Judge Conrad meets the fourth and final prong of Chairman LEAHY's standard because he previously received bipartisan approval by the Judiciary Committee and the Senate when he was confirmed by a noncontroversial voice vote to be a U.S. Attorney in North Carolina and when he was confirmed by voice vote to the District Court for the Western District of North Carolina. It seems to me that these bipartisan voice votes indicate that Judge Conrad is a noncontroversial consensus nominee.

Mr. KYL. I absolutely agree with that assessment. Those are the considerations that underscore my great regret that no nominees were on the agenda for the executive business meeting of the Judiciary Committee this morning.

Mr. SESSIONS. Mr. President, to my colleague from Iowa, I asked earlier of Senator SPECTER regarding his statement that Chairman LEAHY was saying he was going to enforce a Thurmond rule and that nobody would be moved henceforth—no nominee—unless both he and the ranking member and the majority leader and the Republican leader each approved. So I ask Senator GRASSLEY how he feels about that statement.

Mr. GRASSLEY. Well, I have had a chance to review that, and I can say that as you know, in May of 2000, during President Clinton's last year in office, Senator LEAHY, referring to the Thurmond rule, said:

> There is a myth that judges are not traditionally confirmed in presidential election years. That is not true. Recall that 64 judges were confirmed in 1980, 44 in 1984, 42 in 1988 when a Democratic majority in the Senate confirmed Reagan nominees and, as I have noted, 66 in 1992 when a Democratic majority in the Senate confirmed 66 Bush nominees.

That is the end of the Leahy quote in regard to the Thurmond rule.

Mr. SESSIONS. I think the Senator is correct. He has been a long-time senior member of the Judiciary Committee who is active in that entire process. In fact, Senator REID, now the majority leader, made a similar statement in March of 2000 and those statements are more accurate descriptions of the history of the Thurmond rule over the past 25 years.

Isn't it also true that the majority asserts the purported Thurmond rule originated in the summer of 1980 when Senator Thurmond was the ranking member of the Judiciary Committee?

Mr. GRASSLEY. Well, the answer is yes, of course. Let me explain that Senate Democrats allege that Republicans, then in the minority and anticipating a change in power in the 1980 election, stalled the approval of President Carter's judicial nominees. The Majority points to a discussion at an executive business meeting which took place on September 10, 1980, when Ranking Member Thurmond asked Chairman KENNEDY to hold over 13 nominees for 1 week because their background investigations were not complete. However, this allegation is not accurate.

Mr. SESSIONS. Well, is it not true, Senator GRASSLEY, based on your experience, that it is standard procedure to hold nominees over until their background checks have been completed?

Mr. GRASSLEY. Yes, it is. In fact, a 1-week holdover in the Judiciary Committee is any Senator's prerogative—in fact, prerogatives I have used a few times myself—and over the last 2 years, the Majority has held over virtually all of President Bush's nominees for 1 week before a committee vote. Do you recall whether the Senate later confirmed any of these nominees who were held over?

Mr. SESSIONS. Well, I think that is, in fact, true. The Senate confirmed 10 of the 13 nominees, and Senator Thurmond stated at an executive business meeting that the committee did not report favorably on the other three because: ''The minority had some questions of substance that would have to be discussed.''

The committee did not hold another executive business meeting that year, so the other three nominees were not considered again.

Mr. GRASSLEY. I think it is pretty clear then, Senator SESSIONS, referring to the accusations made about Senator Thurmond, it doesn't sound to me as though Senator Thurmond was blocking nominees in anticipation of an upcoming election.

Mr. SESSIONS. No, it doesn't. In fact, the record shows that on September 29, 1980, in a floor statement, Senator DeConcini, a Democratic member of the committee, commended Senator Thurmond for:

> demonstrating leadership on the Committee on the Judiciary, a willingness to take case-by-case appointments, obviously from a different administration than he might prefer, but willing to proceed with the advancement of these appointments, because the need of the judiciary does come before party preference.

Mr. GRASSLEY. Let me also point to a nonpartisan source. Didn't Mr. Steve Rutkus from the Congressional Research Service testify at the Senate Republican Conference's forum on the judicial nomination process on Monday that the facts do not support a Thurmond rule? Would that be correct? Is that the way you understand it?

Mr. SESSIONS. That is what he said. In addition, between June 1 and September 1 of 1980, President Carter's last year in office, didn't the Senate confirm four circuit court nominees and 15 district court nominees?

Mr. GRASSLEY. Yes. The record shows the Senate did. That is entirely true.

Mr. SESSIONS. In fact, wasn't one of those circuit nominees ACLU general counsel—the American Civil Liberties Union general counsel, Ruth Bader Ginsburg, who was later confirmed to the DC Circuit on June 18, 1980?

Mr. GRASSLEY. Yes. It doesn't sound to me like the conservative Senator from South Carolina was using any power he had on the Judiciary Committee to hold up a person who has turned out to be very much a judicial activist. I would say even more remarkable, in regard to your statement, after September 1, 1980, the Senate confirmed 11 district court nominees and 2

additional circuit court nominees, including Stephen Reinhardt, who has gone on to earn a reputation as one of the Nation's most liberal jurists. The other post-September circuit court confirmation was that of Stephen Breyer, who at that time was Senator KENNEDY's chief counsel on the Judiciary Committee.

Mr. SESSIONS. Well, Senator GRASSLEY, I know, is aware of that, but wasn't Mr. Breyer nominated by President Carter on November 13, 1980, after President Carter had lost the election to President Ronald Reagan? And didn't the Senate Democrats, who had just lost control of the Senate, hold a swift confirmation vote on Breyer during that lame duck session on December 9, 1980?

Mr. GRASSLEY. That is right. In fact, the Senate confirmed a total of 10 circuit court nominees and 53 district court nominees during 1980, President Carter's last year in office. And 1980 was not an aberration. As Senator LEAHY noted in 2000, the pattern continued in subsequent election years. Also in 2000, the year Senator LEAHY called the Thurmond rule a ''myth'' when he was complaining about the pace of judicial confirmations, the Senate confirmed 8 circuit court nominees and 31 district court nominees.

Mr. SESSIONS. I thank my colleague from Iowa. He has been a stalwart, capable member of this committee for many years. He is known for plain speaking and honest talk. I think that is what we have had here. It is a shame we are looking at an unprecedented circumstance. I note we are put in a position where I think it is difficult to respond, other than to go to the American people, because what Senator LEAHY has done is state that the Thurmond rule is something that it is not and indicate that further judges will be moved only by consent of the two leaders of the Senate and the two leaders of the committee.

He made that statement very recently. So it looks as though we are at a point where the normal procedures of moving judges have been abrogated and that it is unlikely additional nominees will be confirmed.

I have a few more comments, but my senior colleague Senator GRASSLEY is here, and I am glad to yield the floor.

Mr. GRASSLEY. No. Go ahead.

Mr. SESSIONS. I thank the Senator. I wish to talk a little bit about Robert Conrad. I was a U.S. Attorney, Federal prosecutor for 12 years, and an assistant U.S. attorney for 2½ years. It was a great job, a wonderful opportunity to serve the public.

I remember not too long after I came here, President Clinton was embroiled in quite a number of scandals and allegations were made. Janet Reno was then the Attorney General of the United States, and she decided to appoint a counsel to conduct an investigation of allegations against President Clinton, as I recall. I don't remember what the substance of the complaints were at that time. There were a lot of them on different things. She looked all over the United States of America to pick a top prosecutor, somebody who had credibility, and judgment she could trust to undertake this difficult thing that the entire Nation was watching, and do you know who she selected? She selected Mr. Conrad of North Carolina. He was then an assistant U.S. attorney and he undertook this challenge.

He investigated at some length, and all I recall about it was that he did not choose to indict anyone. I remember he testified before our committee and he was such a straight shooter. He was so mature in his responses to the questions. He was a relatively young person, but an experienced attorney in the Department of Justice. He did a good job. He was asked a lot of tough questions because people were concerned about those issues. He handled them well. So I have a vivid memory of that. Janet Reno said her respect for him continued to grow throughout his service in that capacity, in that most difficult challenge that she asked him to undertake. Later, he was confirmed to be a Federal judge in North Carolina and has served there and has moved up.

Now he is the chief presiding district judge in the State of North Carolina. President Bush, of a different party than Janet Reno, chose him and nominated him to be a judge on the Court of Appeals, one step below the U.S. Supreme Court, an important and prestigious position, and that went forward. Now, 365 days have gone by and he has not even had a hearing.

Let me interject and say those of us on the conservative side have felt many times that the American Bar Association tends to favor liberal judges, but I value its opinion.

I always have. I think it is an important opinion because they talk to lawyers throughout the community and judges throughout the community. There are about 15 members on this committee. Then the judges come together and review all of the reports and interviews from the most prominent lawyers in the community, fellow judges, and State judges. They say: What kind of person is he? Does he have good judgment? Has he handled his docket well? Is he a man of integrity and ability? Does he understand complex rules of law?

Those are the kinds of things they talk about. They do an evaluation. Most nominees are not rated ''well qualified,'' and usually there is a good bit of dispute within the communities about what kinds of recommendations should occur. That committee met and discussed it, and they unanimously rated him ''well qualified,'' which is the highest rating the American Bar Association can give to a nominee for judicial office. He served ably as an assistant U.S. attorney. He handled one of the most important cases in the entire Nation as an assistant U.S. attorney. The Democratic Attorney General looked over the entire United States and reached out and picked him to handle a case involving the President of the United States of America, and she had nothing but high compliments for his performance. The ABA has evaluated him. He was confirmed previously as a district judge, became the presiding district judge for that area, and has now been nominated to be a Federal circuit judge. He has been denied even a hearing, even though he got a unanimous ''well qualified.''

A lot of people think this is just politics. But I hope the American people understand that it is not just politics. This Nation has as its bedrock foundation for our prosperity and our liberty a belief in the rule of law. It is something we inherited even before we became a nation. Those of us on this side believe a Federal judge should not be an activist. A Federal judge should not be attempting to carry out some personal agenda. A Federal judge should be a neutral umpire to decide cases in a neutral and fair way. The policy decisions should be made by the State legislatures or the Federal Congress or the President of the United States.

I feel as though we need to understand that there is a clear difference between the kind of judges our Democratic colleagues tend to favor for the bench and those President Bush has been nominating. They think Judge Conrad is not activist enough. They think he won't promote their agenda, which they are not oftentimes able to win with at the ballot box. His nomination has been blocked. I don't appreciate that. He is a fabulous nominee who is highly respected by Democratic Members. We had a wonderful hearing where a whole roomful of people came from North Carolina to testify on his behalf, to plead with the Senate to give this man an up-or-down vote. No, they invoke the Thurmond rule—and that is not an accurate invocation of the Thurmond rule—as an excuse to block him.

There are already four vacancies on the Fourth Circuit, including from Virginia, down to the Carolinas. He is one of them.

I think the man deserves an up-or-down vote. He deserves to be confirmed. We will not have better nominees than Judge Conrad. He has proven himself on the bench and as a Federal prosecutor, both times in Federal court, where he will now be called upon to serve.

I have to tell you, I will add one more thing on why I think he is special. Judge Conrad was a point guard on the Clemson University basketball team in the Atlantic Coast Conference. You have to make decisions in that job. He was an outstanding academic All-American. I think the man is fabulous, and he ought to be confirmed. I am upset that he has not been.

I say the same for Mr. Matthews, also nominated to fill one of those four vacancies on the Fourth Circuit, and Mr. Keisler, who was rated unanimously

''well qualified'' for the DC Circuit. They have been waiting hundreds of days, and it is not right. They ought to be confirmed.

I thank the chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise to discuss an issue that is important to my constituency—the confirmation of qualified judicial nominees. I thank the Senator from Alabama for his explanation of what is happening in his area. I want to speak a little bit on what is happening in my area.

I have heard the majority leader say that when he hears from constituents, it is about energy, housing, and other issues; but he never hears about judges. I can tell you my experience is different. Yes, constituents talk about energy and health care and housing and about the economy, but they also bring up the need to confirm qualified judicial nominees.

I am specifically before the Senate to ask my colleagues to consider confirming a qualified candidate for my home State of Wyoming. The nominee is Richard Honaker. Despite the fact that he was rated unanimously ''well qualified'' by the American Bar Association, and despite the fact that he has strong bipartisan support in Wyoming, he has been pending before the Senate Judiciary Committee for 486 days. That is just the committee. He isn't even to the floor yet—486 days in committee. It seems as though they could at least do an up-or-down vote and get that decided instead of just keeping him in limbo.

Why has Mr. Honaker's nomination been pending so long? He meets all of the tests that have been laid out for qualified judicial nominees. As I mentioned, the ABA has given Mr. Honaker its highest rating of unanimously ''well qualified.'' He has the support of both home State Senators. My colleague will be speaking to this shortly as well. In fact, he not only has the support of myself and Senator BARRASSO, his name was submitted to the White House for consideration by my friend, the late Senator Craig Thomas. Senator Thomas submitted Mr. Honaker's name after it was recommended to him by a panel Wyoming lawyers who evaluated about fifty individuals who were interested in serving on the Federal bench. Richard was the unquestionable choice of those attorneys. This wasn't the unquestionable choice of Senator Thomas; it was the unquestionable choice of a panel of attorneys who chose him from a whole range of people who were interested.

My recollection is that this is the first time that a Republican Senator has ever nominated a trial lawyer for a judgeship from Wyoming.

Mr. Honaker doesn't only have the support of Republicans, his nomination is supported by former Wyoming Democratic Governor Mike Sullivan, who also worked as the Ambassador to Ireland for President Bill Clinton. He is an attorney operating in Wyoming. Mr. Honaker is supported by Robert Schuster, another attorney, a former committeeman of the Democratic National Committee, who was a Democratic nominee for the House of Representatives. He has the support of Lee Reese, the President of the International Association of Fire Fighters Local 1499.

With all that in mind, you would think Mr. Honaker would be confirmed quickly. But, no, his nomination has been pending before the Judiciary Committee for more than a year because of an action he took more than 20 years ago as a Democratic State legislator. Acting as a State legislator on behalf of his constituents who are generally pro-life, Mr. Honaker drafted a bill called the Human Life Protection Act. The bill failed in committee and didn't move forward.

Mr. Honaker has had no involvement in the abortion issue for more than 20 years. Yet that is being used as a litmus test. Some liberal groups are claiming he is an extremist and saying he would come to the bench to overturn Roe v. Wade. They obviously don't know him because, if they did, they would understand that Mr. Honaker knows the difference between acting as a legislator and acting as a jurist. He knows there is a difference. He gave sworn testimony before the Senate Judiciary Committee on February 12, 2008, saying that he would uphold the precedent of Roe v. Wade.

Yet even with that information, he is being blocked from a vote in the Judiciary Committee. It is even more ironic that he is being held up because of legislation he introduced because the pro-choice legislators who blocked the bill he sponsored in the Wyoming Legislature support his nomination to the Federal bench.

We are in a dangerous place when it comes to confirmation of Federal judges in the Senate. With Mr. Honaker's nomination, my colleagues are saying that we do have a litmus test for judges: If you have ever been involved in the abortion issue, you cannot be confirmed as a judge, regardless of how you were involved, and regardless of your qualifications. I know this is the case with Mr. Honaker's nomination because, if my colleagues looked at the other legislation he sponsored in the Wyoming State Legislature, they would see that much of it is more favorable to their policies than the policies of the Republicans.

Mr. Honaker is well qualified to be a Federal judge, as evidenced by the strong support he has from a diverse group of people in Wyoming. He deserves to be confirmed. I hope my colleagues will look beyond one bill he introduced as a legislator 20 years ago and give his nomination the consideration it deserves.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I am here today to ask the Judiciary Committee to hold a simple vote—hold a vote on the nomination of Richard Honaker, to be a U.S. District Judge for the District of Wyoming.

Mr. Honaker was recommended to President Bush by Senators Thomas and ENZI on January 10, 2007.

The recommendation occurred following an extensive vetting process in Wyoming by a committee that was formed by Senator Thomas. This committee consisted of a diverse group of attorneys from across the State. They reviewed and they vetted all of the applicants.

Nearly four dozen attorneys from around the State of Wyoming expressed an interest in this position. Mr. Honaker was selected from a very competitive and highly qualified pool of Wyoming attorneys. President Bush agreed with the recommendation, and he sent Mr. Honaker's name and nomination to the Senate March 19, 2007—over a year ago.

Senators Thomas and ENZI and I all notified the committee over time that the home State Senators support this nomination.

Well, the nomination languished in the Senate Judiciary Committee until February 12 of this year. That is when a nomination hearing was finally held. Four nominees were considered that day. Mr. Honaker was the only nominee at the hearing that received the ''gold star'' seal of approval by the American Bar Association, and that is a unanimous ''well qualified'' rating.

The American Bar Association interviewed more than 50 Wyoming attorneys and judges to come to the conclusion that Mr. Honaker is well qualified to serve on the bench.

Despite this unanimous support of the home State Senators and the American Bar Association, Mr. Honaker continues to be denied a vote in the Judiciary Committee.

To put Mr. Honaker's situation into context, two of the other nominees who appeared at that February 12 hearing received a committee vote and were approved by the Senate back in April.

Mr. Honaker is an outstanding attorney. He is widely regarded by his peers. It is evidenced by the fact that he is the first attorney in the history of Wyoming, in our 118 years of statehood, to serve Wyoming both as president of the Wyoming State Bar Association and the Wyoming Trial Lawyers Association. He has earned the respect of the legal community.

As I mentioned, the Standing Committee on the Federal Judiciary of the American Bar Association unanimously—unanimously—voted that Mr. Honaker is well qualified. His 30-plus years of legal work is exemplary. There is no question at all that he is ready to fill the seat for which he has been nominated.

I know Mr. Honaker. I respect him as an individual. I admire his legal abilities and his passion and his love of the

law. That respect is shared by many of Wyoming's finest legal minds. Words I have heard from members of the Wyoming bar to describe Mr. Honaker: bright, fair, civil, ethical, passionate about his clients, and devoted to the law. He expects the same of others that he requires of himself: be well prepared, observe the rules of courtroom procedure and decorum, treat every person in the courtroom—whether lawyer, litigant, witness, or juror—treat every person in the courtroom with the greatest measure of courtesy and respect.

There is no more qualified person to serve on the Federal bench in the District of Wyoming than Richard Honaker. You don't have to take my word for it. Ask the attorneys of Wyoming or of the American Bar Association. This outstanding nominee deserves the courtesy of a vote in the committee and consideration by the full Senate. That courtesy is long overdue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

HEALTH CARE

Mr. WYDEN. Mr. President, this morning there was some remarkable testimony given by Dr. Peter Orszag, the head of the Congressional Budget Office, which, in my view, is going to set the bar for how this Congress contains skyrocketing health care costs. Dr. Orszag has zeroed in on the question of health care costs, as my friend from Colorado knows, saying that escalating health care costs are essentially the premier determiner of this country's fiscal condition. So when Dr. Orszag, in effect, lays out what it is going to take for America and the Congress to contain medical costs, it seems to me that is a real wake-up call for this body and for the country.

What Dr. Orszag did is to spell out the extent of the inefficiencies in American health care. We are going to spend this year about $2.3 trillion on medical care. Dr. Orszag has said that the system is now so riddled with inefficiency that perhaps $700 billion of that $2.3 trillion is going to be spent on care and services that is of relatively little value as it does not contribute toward improved health outcomes.

Given this enormous economic challenge for our country—and, in effect, economic insecurity to a great extent is determined by rising health costs and rising gasoline prices—I wanted to get to the bottom of what the Congressional Budget Office thinks is going to be necessary to contain medical costs. So what I asked Dr. Orszag, specifically, was about his sense of what it will take to bend the health cost curve downward. Dr. Orszag said, in response to my questions, that it is going to take two things:

First, it is going to be essential to demonstrate to our people very directly how much these inefficiencies cost them, for example, in their reduced take-home pay at work. Second, Dr. Orszag made it very clear that to contain cost and to wring out these inefficiencies, it is going to be necessary for the Congress to pass health reform legislation so that in a more efficient, more fair health care system our people will have a new financial incentive to select health care carefully.

The reason I say Dr. Orszag set the bar today for containing health costs is because it is clear there are a lot of ideas for how to go about this task. I know the Senator from Colorado is very interested in health information technology, for example—virtually all Senators are—and all those new approaches are going to be very important. But I asked Dr. Orszag was it the only way that you could contain costs, to take those two steps—one to make sure people see directly what they lose if we continue a system with all these inefficiencies; and, second, what happens if there are no new financial incentives—and Dr. Orszag said very specifically that to contain medical costs you need to take those two steps: demonstrate to people what they are losing and give them new incentives to hold down costs.

Now, I have been honored to be able to join with 16 Members of this body, 8 Democrats and 8 Republicans, around legislation that is built on the two principles that Dr. Orszag affirmed today are going to be essential to contain health care costs. We make sure everybody understands what the implications are for propping up all these inefficiencies in their wages, because for the first few years under our legislation we would stipulate that workers are entitled to the cash value of what their employer is now spending on health care. So with that requirement, we address what Dr. Orszag has said is essential—to demonstrate to workers what they lose out on with the status quo.

The second thing we do in our legislation, which tracks Dr. Orszag's plan to contain costs, is we make sure that in a new system—where insurers have to take all comers, where people are part of a large group so that they have bargaining power, where there are lower administrative costs because you use the tax system to sign up people, and there is uniform billing—we also give a cash reward to individuals for making more careful purchases of their health care.

For example: Under our legislation, if their employer has spent $15,000 on their particular health care, and the individual worker either chooses an employer's package or, say, another package, and the package they chose would cost $14,200, that individual worker has $800 in their pocket to go on a great fishing trip in Oregon or Colorado, where we have some of the best recreation in the country.

So in our legislation, by way of giving a reward to workers, a cash reward for a careful selection of their health care, we do what Dr. Orszag has recommended as the second approach for containing medical costs.

I made clear this morning—and I especially appreciate Chairman BAUCUS's leadership because these hearings are a follow-up to our Finance Committee summit—and Chairman BAUCUS has made it clear we are going to work in a bipartisan way. He and Senator GRASSLEY, in my view, are sort of the example of how to work in a bipartisan fashion. I said this morning I think there are probably other approaches that ought to be examined in this whole discussion, but what we do know from this morning is that Dr. Orszag has said you have to have those two essentials to contain costs—workers understanding what they lose out of the current system and new financial incentives for making careful purchases.

That is why it seems to me that what Dr. Orszag did today was to set the bar; to, in effect, lay out a vision of what it is going to take to hold down medical costs. It seems to me, when we look at the double whammy our people are facing today—the combination of skyrocketing medical bills and getting clobbered at the gasoline pump—we see that those are the two areas where you need to take action.

Under the leadership of the Majority Leader, Senator REID, we are going to go after those gas price hikes before the Congress breaks for the recess. I am pleased to be part of our caucus's efforts to work on this and pleased that we are reaching out across the aisle so, hopefully, there will be bipartisan support for our efforts to hold down gasoline price hikes. But I think we need to start laying out, as Dr. Orszag did today, the strategy for holding down medical costs.

I have been very fortunate to be able to work with Senator BENNETT, the Senator from Utah, as part of a group of 16 Senators—8 Democrats and 8 Republicans—in what is the first bipartisan effort in the history of the Senate. This is the first time where there has been a significant coalition, a bipartisan coalition, working for universal coverage. Today, what Dr. Orszag did was to affirm the guts of what we have been advocating for. He affirmed it specifically, that this was a way to achieve the cost containment in our health care system that is so essential. There may be other ways, but this is one way to do it. We now have an opportunity over the next few months, as

we get ready for a new President, to work together, Democrats and Republicans, to address this critical question.

I will close with one last comment. On the floor last night were Senator LANDRIEU and Senator CRAPO. I am very honored to have both of them as cosponsors of the Healthy Americans Act. We were talking about older workers. Today one of the worst spots to be in is if you are 57 or 58 years old and you are laid off from your job, because if you are laid off at 57 or 58, you go off into the broken individual health insurance market. You better not have any illnesses. It is going to be hard to get coverage. It is going to be very hard to afford it because you are going to be out on your own rather than in a group. And finally, you are not going to get the tax break, if you are all on your own, that you would get if you were with an employer health plan.

The Healthy Americans Act addresses each of those three concerns and, boy, those are not abstract questions for anybody in Colorado or Oregon or Idaho. Ask the GM retirees who got clobbered a few days go. If you are 57 or 58 and you are 8 years away from Medicare, you have a lot to worry about.

Our bipartisan coalition is working, I think, effectively and in the bipartisan fashion it is going to take to address those concerns as well.

I hope colleagues will reflect on what Dr. Orszag said this morning with respect to cost containment. We will have a lot more discussion in the days ahead about the concerns of older workers, as we started last night with Senator LANDRIEU and Senator CRAPO. We are especially thrilled that the distinguished Senator from Colorado is a member of the Finance Committee and I know we will have a chance to work together on those issues as well.

ORDER FOR RECESS

Mr. WYDEN. Mr. President, before I yield the floor, on behalf of the majority leader I ask unanimous consent the Senate stand in recess from 2:30 to 3:45 today.

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

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

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

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

ENERGY

Mr. CRAIG. Mr. President, I came to the floor on June 19 to address my colleagues and the Senate about energy prices, as many of us have, because there is no question that the Senator from Colorado and I, when we go home on the weekends, hear as the No. 1 concern on the part of Coloradans or Idahoans their energy bill—the price of gas at the pump.

We are big western States. We travel long distances. When you roll into a gas station with your Ford F–150 and you start filling it up and you drive away, because it has dual tanks on it, having paid over $100 to fill it, you have a problem. You have a problem because you had bought that vehicle to facilitate your ranch or your farm or your job and you had anticipated that the most you would probably ever pay was $25 or $30 to fill up. That is what you budgeted. That is what you understood the economic impact of that vehicle, necessary to your job or your business, would be on your job or your business. But in less than a year, that changed.

That is the working man or woman's side of it. What about the soccer mom who travels around all over the community every day, dropping off her kids and going to the store and picking up goods and services and coming home and all of a sudden having an energy bill in the family budget that she and her husband had never anticipated would be there. We all know their salaries or their jobs are not going to compensate them because they are going to spend $500, $600, $1,000 or $2,000 more this year on their energy bill. That is only at pump, let alone at the meter that monitors the electricity at their home that is going to be going up; and the natural gas that is going to go through and into their heating systems and their stoves. That is going to be going up. There is no way for them, other than taking money from something else in their life, to offset that impact.

Those people such as myself who spend a good deal of time, and have for 28 years, on the issue of energy, were very fearful that a day such as today would come, a day of reckoning, a day when our country that, almost 20 years ago, decided it would no longer be a producer but because of environmental policy and political attitude, we began to change. We decided we would try to offset production with conservation and, in large part, we said to the energy-producing segment of our economy it could no longer drill in America, go elsewhere.

I will never forget meeting with the President of Amoco in Los Angeles about 15 years ago. He opined to me that the day would come when his company would have to leave this country because it could no longer produce in this country—and that is what happened. And doggone it, that is the truth. You can document it. You can see it happening. It happened. We put millions of acres off limits for one reason or another but largely because of an attitude in this country that somehow we were going to muck it up a little bit environmentally and we ought to leave it alone and it ought to be pure and it ought to be pristine. And, oh, by the way, energy is cheap. It was inexpensive at the time and we could buy it from somebody else. So basically we set the rest of the world to producing and we became increased consumers and increased buyers of foreign oil.

During that last 20-year period, something else began to happen. The oil we were consuming was no longer owned by companies we had interests in, it was owned by nations. It was owned by nations that were sometimes friendly to us, sometimes not so friendly to us, but nations that began to recognize they could gain the wealth of America by selling it oil because America no longer wanted to produce. We grew from about 35 percent dependent upon oil when I came to Congress in 1980, to, today, nearly 70 percent dependent. And those nations have us right by the gas nozzle today. They can do what they want. They are reaping our wealth at unprecedented rates—$1.2 billion a day—and they are turning around and buying back our companies and buying back our real estate with our money. But it is now under their ownership.

The greatest wealth transfer in the world is taking place as we speak, as America drains itself dry for the need of energy, and a Congress unwilling to act responsibly and having failed to act responsibly for the last 20 years. It is a dilemma unparalleled in American history.

When I came to the floor on June 19, I said there is an old country western song that says ''a little less talk and a lot more action.'' That was June 19. Now we are into mid-July. Oil prices went up nearly $15 more a barrel during that period of time and gas went from about $3.90 on average to $4.11 on the pump nationwide. Guess what. We still got a lot more talk but very little action.

Why is America angry today at their politician? Because their politician is fearful of action.

I once voted to lock up ANWR. I once voted to put off limits drilling out on the Outer Continental Shelf. It was for all my environmental friends. How do I change? How do I shift the political gears to meet the American people today who are saying simply go where the oil is, explore and develop and bring it on line. We need it desperately. It is draining our pocketbooks dry.

That is the domestic economics side. What about the national security side, when we are 70 percent dependent on foreign oil? So it is a national domestic economic issue and it is a U.S. national security issue. Guess what, folks. A lot more talk and hardly any action. So when the President stepped up a month ago and said why don't you in Congress lift the ban on Outer Continental Shelf oil drilling, I turned around and called the White House and said: Why don't you, Mr. President? You did it by Executive order a couple of years ago for the politics of Florida. Why don't you act?

He did act. He acted last week, in a responsible fashion, to lift the Executive order that limited the exploration

and development in the Outer Continental Shelf. Guess what happened. Between the combination of a realization that Americans were consuming less in the summer of 2008 versus the summer of 2007—down by nearly 15 percent because they simply can't afford the oil and the gas anymore—coupled with the President saying to the marketplace, there is a potential for development and more production, the oil price began to slide. In the last few days it has dropped from $147 to $134. If it continues to do that, we might see gas prices at the pump slip 15 cents or 20 cents. But I doubt that it will unless this Congress acts.

The majority leader, the Democratic leader, came to the floor yesterday with a bill, 3268. What is it about? He says it is about speculation. What is speculation today? Is speculation the futures market that anticipates that gas may be going up so you hedge your investment against the future so you can offset the expense of new energy? Is that speculation or is that wise investment? I don't know. But I do know this, that in the legislation the Democratic leader has put up, there is not one drop of new oil in it; not one gallon of new gas in it; not one oil rig worth of new production in it.

We listened to two experts today who came to the Senate to talk about energy. They said there is no easy way out. You have to have some production, but you need conservation.

OK, look at the speculation side. Create greater transparency. Do all of those things. But it is truly a supply-and-demand market today and we are supplying less and demanding more. In this country in the last 10 years, our demand curve went up dramatically as everybody rolled out in their F–150 Ford pickups—and I don't mean to be picking on Ford Motor Company or their big SUVs—and they were getting 12 or 15 or 16 miles to the gallon and it was $2 and aren't we having fun, until it hit $4. Now they are mad and frustrated and angry and fearful of their future—and they have a right to be.

Many of us believed this day would come; we just didn't know what day on the calendar it would occur. Because the old principle of supply and demand in the marketplace, you can't divert. It happens. When you are supplying less and demanding more, it happens.

Here is a simple formula. Take every oil field in the world today that is producing, that has those big rigs on it pumping the oil—it depletes, meaning it uses up the oil in the strata that is underneath, at a rate of 4 percent to 5 percent a year. So the ability to have a field to continue to produce at the level it is begins to decline.

On top of that, the world is demanding about 1.5 percent more oil every year than it did the year before. Why? We are growing, we are buying big cars, our economy grows—but something else has happened. There is a new economy across the Pacific known as China. All of a sudden, they became consumers of oil. They begin to buy in the world marketplace.

Then there is another country further on across Asia known as India. They are consuming more and they are buying out of the same pools we are buying out of. All of a sudden the perfect marketplace storm occurred. We began to consume a great deal more than we were willing to produce. In this country we were consuming a great deal more than we were willing to produce, so the marketplace looked at it and said: Oh, we have a problem here. All of a sudden those who look at markets began to try to protect their future by buying into the future through the system—with no indication from us that we were going to do what was not politically correct, from the standpoint of our politics back home, but what was politically right for the American consumer; and that is, to get us back into the business of production.

So I am telling the majority leader, you can bring a speculation bill to the floor, but this is a Senator who will not support it and will not vote for it if it does not have production in it. We cannot talk our way out of this one, we cannot manipulate our way out of this problem. We have to produce our way out of this problem, and we have to conserve our way out of this problem.

Is it not interesting that when the world market began to discover that Americans had tightened their belts because they could no longer afford the gas at the pump and the consumption rate from last summer to this summer is down 15 to 20 percent and you have a world leader, this President, our President, stand and say: America, I am taking the limits off, in the ability of my office as President, through an Executive order, I am taking the limits off the Outer Continental Shelf, where we know there could be oil.

Some of us have said we ought to do the same thing here. Next week there will be plenty of amendments, if the majority leader allows true legislative dynamics on this floor, a bill to come up and a bill to be amended because we will add production to his lots-more-talk and little-to-no-action bill.

We will add production. If we do, and if it makes it to the President and if he signs it, I will bet you the price of oil in the world markets will begin to decline a little. Now, while that is all happening, in the next months and years, we have a lot of other work to do as a country. We have to bring on the hybrids, we have to bring on the electric cars, we have to learn to conserve in other ways.

Last year, I broke stride with the auto industry. I said: Mandatory 4 percent increase in CAFE fleet average standards. I had not done that in 28 years of my politics here. The auto companies came to me and said: Gee, why are you leaving us now?

I said: I have not changed in 28 years and neither have you.

I changed. I partnered with a Democrat, BYRON DORGAN. We set a mandatory 4-percent CAFE standard for fleet averages of automobiles in this country. It became law. When it is fully implemented, over a period of time, it is akin to bringing on an oilfield that produces 1.5 million barrels of oil a day because that is the amount that is saved.

So as a Senator who has always been a supporter of production, I also recognize there is a lot that can be saved through conservation. There is a lot that can be saved through new technology. I believe the generation ahead of us, this next 10 years in the economy, is going to be the decade of energy.

I think Americans are going to invest more and understand more about their energy and do more about their use of energy than they ever have in the decades before. Why? Because it is going to cost more. If it is going to cost more, there is probably more profit to be involved. If there is more profit to be involved, there is going to be more investment in it. But Congress, get out of the way. Quit being politically correct. Demand standards. Demand quality environmental procedure. But get out of the way, politicians. Let America produce once again. When we do, our economy will strengthen, the American families will fear less, our national security will be more assured, and we will not let the Venezuelas or the Nigerias or the Saudi Arabias or the Irans jerk us around by the gas nozzle the way they are doing now because, once again, as a great nation, we begin to stand on our own two feet.

We have arrived at that break point in the world of energy. It is time we act, responsibly, directly, and that we deal with a lot more action and a lot less talk because our Nation became a nonproducing nation today because of politics and public policy, not because the oil was no longer there.

Shame on us. Shame on the American politics of the last 10 years that denied production in this country. The American consumer, listen up: Call your Senator or call your Congressman right now and say: Pass a bill that allows us to drill.

It is quite simple. Pass a bill that allows us to drill. The futures market will decline and gas at the pump will begin to drop and the American economy will begin to stabilize. It is going to take some time, but you have to act first. So, Mr. Leader, you can bring a talking bill to the floor but allow us to make it an action bill. Allow us to make it a production bill. Americans, call your Senators and say: Allow us to drill.

It is that simple. That is how we change the world of American politics today, that for the last 20 years has denied the right of the American marketplace to produce the energy necessary to stay independent, free, and reasonable in price.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Mr. President, I have been coming to the Senate floor to address the price of oil for several months now. It continues to astound me that every time I speak, the prices continue to go up.

The average price of a gallon of regular gas hit $3.95 in Minnesota and $4.11 cents nationwide. The price of diesel fuel is at $4.76 per gallon. The price of crude oil recently hit an unbelievable $145 per barrel.

There seems to be no relief in sight. Prices have gone up more than $1 per gallon over the last 6 months. Everyone knows that demand has not gone up 25 percent over the last 6 months, but the prices have gone up $1 per gallon over the last 6 months.

This increase is astonishing. Even more astonishing is the fact that the administration has continued to do nothing about the speculation issue, continues to do nothing to push the CFTC to use the tools it has and to push for more tools to do something about the excessive speculation that is going on in this market.

We cannot continue to do business as usual. I have heard from people in Minnesota who have canceled their trips up to their cabins because they simply cannot afford to fill their car with gas anymore. They have canceled their summer vacations. These are not glamorous summer vacations, these are little cabins up on the lakes of Minnesota.

I have heard from farmers who are having a hard time making ends meet, even in spite of the high commodity prices, because the cost of their input, diesel fuel for farm equipment and fertilizer made from natural gas, has spiraled out of control.

I have heard from the CEO of Northwest Airlines, based in Minnesota, about how the speculation in the oil markets has so greatly contributed to their cost and made it very difficult for them to continue business as usual with prices going up, grounding flights, not having as many flights leaving, leading to more delays in the summer, because if a passenger misses it, and we had a hearing on this in the Commerce Committee—there are not as many backup flights because there are not as many flights.

So the list goes on. The high price of energy has inflated the price of everything from groceries, to transportation, to home heating. It has impacted every sector of the economy, from manufacturing to forestry, to farms and small businesses.

Middle-class families are already struggling, as you know, with the high cost of health care and college education. We know we need to do things about that, but we keep getting blocked. We are very hopeful, with the new President, that we are going to be able to get things done for the middle class.

But for now, we have people in my State who simply cannot afford the price of gas when you couple it with everything else that has been going on in their lives. We know the statistics. We know what has been happening, where average families in the last 8 years, their wages have gone down about $1,000 a year, but their expenses have gone up about $4,000; so that is a net loss of $5,000 a year to them.

Many of the people in my State, and I know you know this, Mr. Presiding Officer, in Colorado, many of the people in my State are in rural areas. They do not have access to public transportation. They do not have a choice in how much they drive. They have to get to work. They have to get to the grocery store. They have to get to the doctor. Any pay increase they have gotten in the last year, if they have gotten one, has been eaten up by the cost of gas.

More often than not, I will tell you, there has not been a pay increase. But yet, as recently as February of this year, the President seemed taken aback when someone asked him about $4-a-gallon gas. He said:

> You are predicting $4-a-gallon gasoline? That is interesting. I had not heard that.

The fact is this administration has failed to provide Americans with a meaningful energy policy that would provide relief from high gas and energy prices. They saw this coming. They saw it was going on in the international markets but they failed to act. This country needs a bold energy policy for the future, a policy that will stabilize prices and give consumers more alternatives and reduce our dependence on foreign oil and provide us with the next generation of homegrown biofuels.

In short, I believe we have to invest in the people, the farmers and the workers, from my perspective, of the Midwest, not the oil cartels of the Mideast. The same could be said of any area of this country. This country spends $600,000 every minute on imported oil. That money leaves the pockets of American drivers, going overseas, and contributing to our enormous trade deficit. It amounts to a tax on the families and businesses of this country, and it undermines our national security.

Why does it affect our national security? That is because America has roughly 3 percent of the world's proven crude oil reserves, but we are responsible for about 25 percent of the world's oil consumption. Now, we know we cannot continue on this path without becoming more and more vulnerable to other parts of the world, some of which are politically unstable, some of which we do not want to do business with.

But there is another way. If you look at what is going on in Brazil, they have achieved energy security with a combination of biofuels. Now, they have sugarcane, so it is easier. But we have all kinds of things. We have all kinds of things: Switchgrass, prairie grass, that has not even been developed, other parts of the corn. We know we cannot do it all with corn. We are talking about algae, we are talking about biofuels. We are talking about residue from logging. There are all kinds of possibilities.

But Brazil was able to do it with a combination of sugarcane and domestic production and a government policy that drove them to energy independence. We need to put together a forward-looking energy policy with the same sense of urgency we had 40 years ago when we put a man on the Moon.

In the long term, this is going to mean strategic investment, putting these standards in place so people will push to buy the hybrid cars, electric cars, new solar technologies, cellulosic ethanol, other forms of energy for biomass.

We need to have better fuel efficiency standards for our cars and trucks. I am proud the Senate, on a bipartisan basis, for the first time since I was in junior high school, increased the gas mileage standards on cars by 10 miles a gallon. But there is so much more we can do.

We need a renewable electricity standard, we need to look at other sources, as I said, solar, we need to do more with nuclear, we need to do more to increase responsibly our domestic production. We need to have functioning refineries.

These are long-term solutions. I believe very strongly they are important, and we need to get them done.

But there is also something we can do in the short term about high gas prices that will bring immediate relief; that is, to address the role market speculation is playing in driving up energy prices. The administration likes to tell us these high gas prices are just a simple case of supply and demand; more people are driving, so the price of gas goes up. We know that is not true in our country. Fewer people are driving. There have been some increases internationally, but when the expert, Mr. Yergin, testified before our committee, he said there has been sort of a leveling off in terms of demand for world oil. Whatever it is, we know that even if there has been an increase in demand, it hasn't been 25 percent, such as we have seen with the dollar-a-gallon increase in only the last 6 months. The answer that it is just supply and demand doesn't hold true any longer.

Listen to the oil executives on this matter. On October 30, 2007, the CEO of Marathon Oil said:

> $100 oil isn't justified by the physical demand in the market.

On April 11 of this year, the CEO of Royal Dutch Shell said:

> The [oil] fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

On April 1, a senior vice president of ExxonMobil testified before the House:

> The price of oil should be about $50–55 per barrel.

If oil should be roughly $50 to $60 a barrel given market fundamentals, as we heard from the oil executives, why is it trading so high? Why is it trading at over $100 a barrel? If supply and demand, which should be the market forces which determine price, don't explain the high price of gas, what does? According to the experts, there is a frenzy of unregulated market speculation in the oil futures market that is driving prices up to record highs.

I would like to share a quote from an energy market analyst with Oppenheimer and Co. who was recently named by Bloomberg as the top-ranked energy analyst in the country:

> I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel . . . Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall . . . It's open 24/7 . . . It's totally unregulated . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.

Why are these trades in a commodity as vital as oil unregulated? You have to go back in time, to the middle of the night in 2000. A provision was inserted into the Commodities Futures Modernization Act that exempted electronic energy trades from Federal regulation. In the absence of oversight, what was once a small niche market became a booming industry, attracting rampant speculation from hedge funds and investment banks, the largest financial institutions in the world. Oil and natural gas prices became volatile. The provision came to be known as the Enron loophole because it made possible the many abuses that triggered the Western energy crisis and led, in part, to the collapse of Enron and cost the economy $35 billion and 600,000 jobs.

I am pleased to say that we succeeded in partly closing the Enron loophole in the farm bill. Those provisions will provide new protections in the natural gas market. They will put a new regulatory structure on ICE, the electronic exchange in Atlanta, where large traders try to game natural gas futures on an unregulated electronic exchange. But we need to do more. That is why I am proud to be a cosponsor of the Stop Excessive Energy Speculation Act of 2008. It was introduced by our leader, HARRY REID, and my colleagues, Senators DURBIN, SCHUMER, DORGAN, MURRAY, and others.

This bill has a number of provisions that will fight the kind of excessive speculation that drives up energy prices for hard-working American families.

This bill will close the so-called London loophole. It will stop traders from routing transactions through offshore markets in order to get around limits on speculation put in place by U.S. regulators. Specifically, the Intercontinental Exchange, or ICE, in London allows trading in American oil futures, gasoline and home heating oil, with far less stringent reporting requirements than what we have at home. This has driven a lot of energy trading offshore and out of the reach of our regulators. This bill will make those foreign trades in American oil and gasoline futures subject to the same reporting requirements as trades made at home, so we can stop a glut of overseas trades from driving up our energy prices.

The bill would also require the CFTC to review letters of no action it has issued to the ICE electronic exchange in Atlanta and the Dubai electronic exchange which operates in cooperation with NYMEX in New York. With those no-action letters, the CFTC gave these exchanges permission to operate in this country and trade in American energy futures with no oversight from U.S. regulators. I don't think I can tell the people of my State, in Duluth or Rochester, that they should rest easy because the Dubai Financial Services Authority is looking out for them. They know that is not true. We need to let speculators know that if they want to trade in American energy futures, they are going to be subject to American regulation.

We had the head of the CFTC testify before a joint meeting of the Agriculture and Appropriations Committees. I still can't quite believe the meeting. He was happy that we will give him more people to work in his agency since they have had an enormous decrease at the same time we have seen an enormous increase in rampant speculation. But I tried to push him. I said: When I was a prosecutor, I would want every potential way of trying to get evidence, trying to prosecute a case or get a sentence or a bill if it made sense and we could use it in going after a crook. It wouldn't mean we always used them. Some of them we maybe used once a year. With some of them, we have a hammer over someone's head. Some of them we used all the time. But you want to have those tools. He didn't seem that interested. That was the moment I thought: We are going to do everything we can to prop up this agency and get it moving, but we have to have people in charge who really want to do the job.

That is why I am so concerned about this administration. You haven't seen the same thing in the financial services area, where you have Secretary Paulson and Ben Bernanke working hard on this crisis, along with people in Congress on an equal footing, trying to get things done, communicating with us. I just didn't get that same feeling when we had that testimony before our committee.

What else will this bill do? This bill will also convene an international working group of financial market regulators to develop uniform reporting and regulatory standards in the major trading centers of the world to put an end to this problem of speculators shopping around the world for the weakest regulations.

The bill will require the CFTC to impose position limits on speculators who trade in energy futures but don't actually produce energy or receive physical delivery of energy commodities. So if you are an investor who buys and sells oil futures but you don't plan to even take delivery of actual barrels of oil, this bill will limit how much you can buy and sell so that you won't be distorting prices for your own personal gain. We know that has been going on. A lot of these people took the money, the funds, out of the subprime mortgage market and then started playing around in the oil market even though they are not truly involved.

Lastly, this bill is going to give the Commodity Futures Trading Commission the funding authority to hire at least 100 full-time employees so that the Commission can strengthen its regulations and improve its enforcement over the energy derivative markets. As a former prosecutor, I can tell you that good laws are not enough. You also need strong enforcement. You need the cops on the beat so that you can follow the money. When we follow the money in this $4-a-gallon gas, when we follow the money, we know where it is going to lead. We know it is going to lead—at least a piece of it—to market manipulation and speculation.

In conclusion, the cost of energy is hurting Americans from all walks of life and businesses in every sector of the economy. I don't think there is one silver bullet that will solve our energy crisis. It is more like a silver buckshot. We need a bold energy policy to carry the Nation forward. It needs to include both short-term and long-term solutions.

In the short term, we need to pass this bill and place stronger limits on market speculation. That will make a difference in the short term.

In the long term, we need to develop our energy resources at home. We need to improve refining capacity. We need to improve our domestic production. This is for the long term, so when speculators, even legitimate ones, are looking at America and thinking how much the price of oil is, they need to know we actually have a long-term plan. That, ultimately, is what will bring down the price, when they know we are ready to compete with big oil, that we have a plan, using increased efficiency of cars and trucks, that we have a plan which means looking at biofuels and truly having a competitive force. Maybe it is not E85; maybe it is E10, E20, so we have a blend of fuel. We have to invest in the research to get us those vehicles and get us that energy. We have to make a national commitment to generate electricity from renewable sources, just as my State of Minnesota does. I know there is groundbreaking work occurring in Colorado.

Finally, we have to embrace conservation. This is no longer Jimmy Carter going on TV in a sweater and looking glum. The people of this country see this not only as an environmental issue, they see it as an economic issue. They want to save a few

bucks, whether it means putting in the right kind of lightbulbs or meters on their washers and dryers so they can figure out when to run them, whether it is more fuel-efficient cars. They want to do something differently. They are ready in my State to embrace conservation as a way to save money for their families.

The time is now for Congress to take strong steps toward creating a bold energy policy. American families are depending on us.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL: I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mrs. MCCASKILL. Mr. President, pursuant to previous order, I ask unanimous consent that the Senate stand in recess.

The PRESIDING OFFICER. The Senate will stand in recess until 3:45 p.m.

Thereupon, at 2:28 p.m., the Senate recessed until 3:46 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Republicans control the time until 4 p.m., the Democrats control the next 30 minutes, the Republicans control the following 30 minutes, and the Senate continue to alternate control of 30 minute blocks of time thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Now, Mr. President, I understand Senator DOMENICI wishes also to say a few words. As far as I am concerned——

Mr. DOMENICI. Mr. President, I was hoping our leader would be here because he wanted some of this 15 minutes and I was thinking I could get in on part of it and I would not be here all afternoon. I do not have a long speech.

I say to the Senator, I understand he might.

Mr. WHITEHOUSE. Yes. Mr. President, I intend to use the first Democratic block of 30 minutes.

Mr. DOMENICI. Right.

Mr. WHITEHOUSE. But if Senator DOMENICI wishes to speak in the first Republican 15 minutes, and if he goes over for a certain amount of time, I am perfectly happy to yield to him. He is a very distinguished Senator.

Mr. DOMENICI. Mr. President, I say to the Senator, thank you so much. I am going to proceed on our time and see what happens with our leader. If he arrives, I will, obviously, yield to him. I will sit down and quickly get out of the way.

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

ENERGY

Mr. DOMENICI. Mr. President, it is nice to be here with you in the chair, since we are discussing issues that are very important, of which you have been a part for a while around here.

First of all, I wish to talk for a minute about the good news. The good news is that crude oil prices have gone down $16 a barrel in 3 days. That is a bigger drop in the prices of crude oil in history in terms of actual dollars. One of those 3 days it was an $8 drop. I do not know what this bodes for the future, but today it looks good, it sounds good, and it ought to make us feel good.

What we ought to do is something positive that will have a chance of showing the world; that is, the world that is buying and selling oil and buying and trading oil futures on the market, that there is going to be more oil coming on because the United States has awakened; we have decided that after 27 years of being asleep. We have all this property called the continental offshore, which is owned by the people of our country, and for 27 years we kept all but small portions of it under lock and key. We had decided it was not worth opening that to drilling, even in modern days, when we have the cleanest and best way to go into deep waters and drill for oil. With oil spills being at a minimum, we kept it locked up.

The year before last, we passed a bill that started the process of opening parts of this great valuable offshore owned by our people. Yes, the President of the United States waited around for us to act and finally decided he would lift the Executive ban, the Presidential moratorium that was on 85 percent of the offshore that has been locked up.

Make no bones about it, now, when people say we have already let a lot of that land out to bid, 85 percent of the offshore—85 percent of the offshore—was under lock and key by moratorium until the President lifted the Executive ban. We now have imposed, on that same 85 percent, millions and millions of acres of offshore property.

Now we have the situation where, come the first day of October, the Congress will have to act to put on another 1-year moratorium; the moratorium of Congress is 1 year at a time. We will have to act to put it on or there will be no moratorium, and it will be open for leases pursuant to the law of the land.

This morning, I attended a workshop held by the Energy Committee to discuss the price of oil. We had two leading experts, and we were very fortunate, except that I would say we have heard about enough from experts, and we have talked enough about the problem. We ought to do something within the next couple weeks.

But at this workshop was Dan Yergin, chairman of Cambridge Energy Research Associates, publisher of a very popular book on oil. He was accompanied by Roger Diwan of PFC Energy. Their message to us this morning, with many Senators asking questions, coming in and out of the room, was the same as I have been hearing from leading economists for the last several weeks. What did they say? Supply and demand problems are the reason why gas prices are so high, why crude oil prices are so high.

The majority leader stopped by our workshop this morning to talk about the bill he has introduced today on speculation. He said that while he understood that speculation was not the only problem, he thought it was a big part of it and we should start there. Well, obviously, he controls how we start, so perhaps we will start with speculation. I, for one, think speculation is not nearly the problem of supply and demand, it is not nearly the problem of opening more property we own for drilling. I think that is the real problem: to put more of that out to the oil operators of the country and get started on some real new production.

I am puzzled by the decision our leader has made about going first with speculation, antispeculation statutes. I am not against looking at that, but if there is something we can do to increase transparency, that is fine. But why would we start by addressing problems when the experts tell us they are not the real problem?

What do the experts say? I will share with you a few comments of what they say.

David Yergin, a great expert, a very fluent man:

> The rise in oil prices can be explained by basic economic factors, such as limited growth in supplies in recent years, a weakening dollar, a global surge in energy demand, and a string of production disruptions in countries such as Nigeria.

Federal Reserve Chairman Ben Bernanke:

> There is speculation, but speculation, under most circumstances, is a positive thing. It provides liquidity and allows people to hedge their risks. And it provides price discovery. It can help allocate oil availability over time, depending on the pattern of future prices and so on.

Warren Buffett, chairman of Berkshire Hathaway:

> It's not speculation, it's supply and demand. We don't have excess capacity in the world anymore, and that's what you're seeing in oil prices.

So why would we start with speculation, instead of supply and demand? Eighty-five percent of the continental U.S. lands offshore are being locked up by Congress; that is, we have a prohibition. The most conservative estimates of how much oil is in the Atlantic and Pacific offshore is 14 billion barrels. Now, I actually think that is totally wrong. I think we have many times that, perhaps as much as three times

that. We have not done a current evaluation, so we are doing some enlightened guessing. Yet we are coming up with 14 billion barrels that is out there that we might be able to drill for and bring on board.

Let me assure everyone that is no pittance. That is a lot. For some perspective, that is more oil than the United States has imported from the Persian Gulf in 15 years and more oil than we have gotten from the Gulf of Mexico in 50 years.

We have a plan to allow States to tap into those resources. The American people support that plan overwhelmingly. Why shouldn't we start there?

From 1998 to 2002, global demand rose by 4 million barrels per day. Since 2002, it has risen by 8 million barrels per day.

In China, the number of cars on the road double every 5 years. The economy there is growing by 10 percent annually. Yet, through problems in places such as Nigeria, we have lost global supplies.

It should be no surprise that prices have gone up. It is clear what this Senate needs to do about it: increase American production now.

I close by saying, the time has come to act on supply and demand. That means, as the American people are saying it: Start drilling on our property to produce oil and gas for our people instead of getting more and more from others overseas and actually sending all our wealth overseas, putting us in a ruinous situation, where we are growing poorer and poorer by the day.

With that, I wonder if the distinguished Senator from Virginia would like to speak.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I have a long history of supporting opening the OCS to drilling. Aside from being a longtime supporter of opening the Arctic National Wildlife Refuge, I have also engaged in attempts to open the Pacific, Atlantic, and Gulf Coasts to drilling.

While we were successful in opening a portion of the gulf, the Pacific and Atlantic coasts remain off limits.

Instead of focusing my effort on all the off-limit portions of the OCS, I have concentrated over the last year on opening the coast of Virginia, for exploration of natural gas only. I think the history on this effort demonstrates a momentum shift in the minds of my colleagues.

In June 2007, I offered an amendment to the Energy Policy Act of 2007 that would allow for the exploration of natural gas in Virginia only. Extraction of natural gas could only occur if the Governor and State legislature approve such a move.

That vote lost by a vote of 44 nays and 43 yeas.

Of those 44 nays, there are two Senators who are now cosponsors of the Gas Price Reduction Act, a bill that includes a drilling title.

With the nonvoting Members, I think we could win this vote today, on an up-or-down vote.

This fact is significant because it represents a shift in momentum and the way my colleagues are now thinking of rectifying this energy crisis in which our Nation finds itself.

Mr. President, I commend my distinguished colleague, whom I have been these 30 years sharing this floor with from time to time.

Mr. DOMENICI. That is right.

Mr. WARNER. We have collaborated on so many things together.

Mr. DOMENICI. That is right.

Mr. WARNER. But now, as both of us are looking forward to quietly stepping down, I say to the Senator, you are carrying as full a weight as you ever did, and you are the man of the hour among our peer group to work on this energy question because of the depth and background you have on this subject.

Mr. DOMENICI. Thank you, sir.

Mr. WARNER. So I commend you on your efforts with respect to drilling. But I wonder if you would bear with me a minute. Several years ago, I started on this, trying to drill offshore. Do you remember that?

Mr. DOMENICI. Yes, sir, I do.

Mr. WARNER. You always said to me, well, there will come a time.

Mr. DOMENICI. Yes, sir.

Mr. WARNER. But I kept putting in bill after bill, and Senator ALEXANDER joined me on one. And now—

Mr. DOMENICI. The time is here.

Mr. WARNER. The President has joined, and the time is here.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the votes that were actually cast on my amendment at one time, where I lost by—it was actually 44 to 43—1 vote.

Mr. DOMENICI. Yes.

Mr. WARNER. Or I would have received a majority vote at that time, notwithstanding the 60 votes required for passage, and we might be a little further down the road if that had happened.

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

U.S. SENATE ROLL CALL VOTES 110TH CONGRESS—1ST SESSION

(As compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate)

VOTE SUMMARY

Question: On the Amendment (Warner Amdt. No. 1566, As Modified).

Vote Number: 212

Vote Date: June 14, 2007, 05:30 PM.

Required for Majority: 3/5.

Vote Result: Amendment Rejected.

Amendment Number: S. Amdt. 1566 to S. Amdt. 1502 to H.R. 6 (CLEAN Energy Act of 2007).

Statement of Purpose: To authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State.

Vote Counts: Yeas—43; Nays—44; Not Voting—12.

ALPHABETICAL BY SENATOR NAME

Akaka (D-HI), Nay
Alexander (R-TN), Yea
Allard (R-CO), Yea
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Yea
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Yea
Boxer (D-CA), Nay
Brown (D-OH), Nay
Brownback (R-KS), Yea
Bunning (R-KY), Yea
Burr (R-NC), Yea
Byrd (D-WV), Nay
Cantwell (D-WA), Nay
Cardin (D-MD), Nay
Carper (D-DE), Yea
Casey (D-PA), Nay
Chambliss (R-GA), Yea
Clinton (D-NY), Not Voting
Coburn (R-OK), Not Voting
Cochran (R-MS), Yea
Coleman (R-MN), Not Voting
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corker (R-TN), Yea
Cornyn (R-TX), Yea
Craig (R-ID), Yea
Crapo (R-ID), Yea
DeMint (R-SC), Yea
Dodd (D-CT), Not Voting
Dole (R-NC), Nay
Domenici (R-NM), Yea
Dorgan (D-ND), Nay
Durbin (D-IL), Nay
Ensign (R-NV), Not Voting
Enzi (R-WY), Yea
Feingold (D-WI), Nay
Feinstein (D-CA), Not Voting
Graham (R-SC), Yea
Grassley (R-IA), Yea
Gregg (R-NH), Yea
Hagel (R-NE), Yea
Harkin (D-IA), Nay
Hatch (R-UT), Yea
Hutchison (R-TX), Yea
Inhofe (R-OK), Yea
Inouye (D-HI), Nay
Isakson (R-GA), Yea
Johnson (D-SD), Not Voting
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Klobuchar (D-MN), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Yea
Landrieu (D-LA), Yea
Lautenberg (D-NJ), Nay
Leahy (D-VT), Nay
Levin (D-MI), Not Voting
Lieberman (ID-CT), Nay
Lincoln (D-AR), Yea
Lott (R-MS), Yea
Lugar (R-IN), Yea
Martinez (R-FL), Nay
McCain (R-AZ), Not Voting
McCaskill (D-MO), Nay
McConnell (R-KY), Yea
Menendez (D-NJ), Nay
Mikulski (D-MD), Nay
Murkowski (R-AK), Yea
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Yea
Obama (D-IL), Not Voting
Pryor (D-AR), Yea
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Not Voting
Rockefeller (D-WV), Nay
Salazar (D-CO), Nay
Sanders (I-VT), Nay
Schumer (D-NY), Nay
Sesions (R-AL), Not Voting
Shelby (R-AL), Yea
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Yea
Stabenow (D-MI), Nay
Stevens (R-AK), Yea
Sununu (R-NH), Yea
Tester (D-MT), Nay
Thune (R-SD), Yea
Vitter (R-LA), Yea
Voinovich (R-OH), Yea
Warner (R-VA), Yea
Webb (D-VA), Yea
Whitehouse (D-RI), Nay
Wyden (D-OR), Nay

GROUPED BY VOTE POSITION

YEAS—43

Alexander (R-TN)
Allared (R-CO)
Bennett (R-UT)
Bond (R-MO)
Brownback (R-KS)
Bunning (R-KY)
Burr (R-NC)
Carper (D-DE)
Chambliss (R-GA)
Cochran (R-MS)
Corker (R-TN)
Cornyn (R-TX)
Craig (R-ID)
Crapo (R-ID)
DeMint (R-SC)
Domenici (R-NM)
Enzi (R-WY)
Graham (R-SC)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Hatch (R-UT)
Hutchison (R-TX)
Inhofe (R-OK)
Isakson (R-GA)
Kyl (R-AZ)
Landrieu (D-LA)
Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
McConnell (R-KY)
Murkowski (R-AK)
Nelson (D-NE)
Pryor (D-AR)
Shelby (R-AL)
Specter (R-PA)
Stevens (R-AK)
Sununu (R-NH)
Thune (R-SD)
Vitter (R-LA)
Voinovich (R-OH)
Warner (R-VA)
Webb (D-VA)

NAYS—44

Akaka (D-HI)
Baucus (D-MT)
Bayh (D-IN)
Biden (D-DE)
Bingaman (D-NM)
Boxer (D-CA)
Brown (D-OH)
Byrd (D-WV)
Cantwell (D-WA)
Cardin (D-MD)
Casey (D-PA)
Collins (R-ME)
Conrad (D-ND)
Dole (R-NC)
Dorgan (D-ND)
Durbin (D-IL)
Feingold (D-WI)
Harkin (D-IA)
Inouye (D-HI)
Kennedy (D-MA)
Kerry (D-MA)
Klobuchar (D-MN)
Kohl (D-WI)
Lautenberg (D-NJ)
Leahy (D-VT)
Lieberman (ID-CT)
Martinez (R-FL)
McCaskill (D-MO)

Menendez (D-NJ)	Rockefeller (D-WV)	Snowe (R-ME)
Mikulski (D-MD)	Salazar (D-CO)	Stabenow (D-MI)
Murray (D-WA)	Sanders (I-VT)	Tester (D-MT)
Nelson (D-FL)	Schumer (D-NY)	Whithouse (D-RI)
Reed (D-RI)	Smith (R-OR)	Wyder (D-OR)
Reid (D-NV)		

NOT VOTING—12

Clinton (D-NY)	Ensign (R-NV)	McCain (R-AZ)
Coburn (R-OK)	Feinstein (D-CA)	Obama (D-IL)
Coleman (R-MN)	Johnson (D-SD)	Roberts (R-KS)
Dodd (D-CT)	Levin (D-MI)	Sessions (R-AL)

GROUPED BY HOME STATE

Alabama: Sessions (R-AL), Not Voting; Shelby (R-AL), Yea.

Alaska: Murkowski (R-AK), Yea; Stevens (R-AK), Yea.

Arizona: Kyl (R-AZ), Yea; McCain (R-AZ), Not Voting.

Arkansas: Lincoln (D-AR), Yea; Pryor (D-AR), Yea.

California: Boxer (D-CA), Nay; Feinstein (D-CA), Not Voting.

Colorado: Allard (R-CO), Yea; Salazar (D-CO), Nay.

Connecticut: Dodd (D-CT), Not Voting; Lieberman (ID-CT), Nay.

Delaware: Biden (D-DE), Nay; Carper (D-DE), Yea.

Florida: Martinez (R-FL), Nay; Nelson (D-FL), Nay.

Georgia: Chambliss (R-GA), Yea; Isakson (R-GA), Yea.

Hawaii: Akaka (D-HI), Nay; Inouye (D-HI), Nay.

Idaho: Craig (R-ID), Yea; Crapo (R-ID), Yea.

Illinois: Durbin (D-IL), Nay; Obama (D-IL), Not Voting.

Indiana: Bayh (D-IN), Nay; Lugar (R-IN), Yea.

Iowa: Grassley (R-IA), Yea; Harkin (D-IA), Nay.

Kansas: Brownback (R-KS), Yea; Roberts (R-KS), Not Voting.

Kentucky: Bunning (R-KY), Yea; McConnell (R-KY), Yea.

Louisiana: Landrieu (D-LA), Yea; Vitter (R-LA), Yea.

Maine: Collins (R-ME), Nay; Snowe (FR-ME), Nay.

Maryland: Cardin (D-MD), Nay; Mikulski (D-MD), Nay.

Massachusetts: Kennedy (D-MA), Nay; Kerry (D-MA), Nay.

Michigan: Levin (D-MI), Not Voting; Stabenow (D-MI), Nay.

Minnesota: Coleman (R-MN), Not Voting; Klobuchar (D-MN), Nay.

Mississippi: Cochran (R-MS), Yea; Lott (R-MS), Yea.

Missouri: Bond (R-MO), Yea; McCaskill (D-MO), Nay.

Montana: Baucus (D-MT), Nay; Tester (D-MT), Nay.

Nebraska: Hagel (R-NE), Yea; Nelson (D-NE), Yea.

Nevada: Ensign (R-NV), Not Voting; Reid (D-NV), Nay.

New Hampshire: Gregg (R-NH), Yea; Sununu (FR-NH), Yea.

New Jersey: Lautenberg (D-NJ), Nay; Menendez (D-NJ), Nay.

New Mexico: Bingaman (D-NM), Nay; Domenici (R-NM), Yea.

New York: Clinton (D-NY), Not Voting; Schumer (D-NY), Nay.

North Carolina: Burr (R-NC), Yea; Dole (R-NC), Nay.

North Dakota: Conrad (D-ND), Nay; Dorgan (D-ND), Nay.

Ohio: Brown (D-OH), Nay; Voinovich (R-OH), Yea.

Oklahoma: Coburn (R-OK), Not Voting; Inhofe (R-OK), Yea.

Oregon: Smith (R-OR), Nay; Wyden (D-OR), Nay.

Pennsylvania: Casey (D-PA), Nay; Specter (R-PA), Yea.

Rhode Island: Reed (D-RI), Nay; Whitehouse (D-RI), Nay.

South Carolina: DeMint (R-SC), Yea; Graham (R-SC), Yea.

South Dakota: Johnson (D-SD), Not Voting; Thune (R-SD), Yea.

Tennessee: Alexander (R-TN), Yea; Corker (R-TN), Yea.

Texas: Cornyn (R-TX), Yea; Hutchison (R-TX), Yea.

Utah: Bennett (R-UT), Yea; Hatch (R-UT), Yea.

Vermont: Leahy (D-VT), Nay; Sanders (I-VT), Nay.

Virginia: Warner (R-VA), Yea; Webb (D-VA), Yea.

Washington: Cantwell (D-WA), Nay; Murray (D-WA), Nay.

West Virginia: Byrd (D-WV), Nay; Rockefeller (D-WV), Nay.

Wisconsin: Feingold (D-WI), Nay; Kohl (D-WI), Nay.

Wyoming: Enzi (R-WY), Yea.

Mr. WARNER. But I wish to say how pleased I am to see you vigorous and strong, and with our distinguished leader, Senator MCCONNELL, leading the charge. I hope we get it up here and let these 100 Senators speak their will.

Mr. DOMENICI. Thank you. I am glad to be at our Republican leader's side on this issue and help wherever I can.

Mr. WARNER. We share that.

Mr. DOMENICI. We are aware this is a real big, big-time American problem, as hard as any kind of problem as we have had.

Mr. WARNER. I say to the Senator, go back and look at your mailbox, look at your e-mail, look at the hundreds of communications each of us are receiving every day.

Mr. DOMENICI. You bet.

Mr. WARNER. These people are gathered—I would say almost a quarter of Americans are gathered around the kitchen table every night looking at the increased costs in their food, the increased costs in their heating and their gasoline, trying to figure out how they are going to make ends meet, with relatively small amounts of dollars in the overall picture. But to them, it is the difference between buying a little extra food and having the choice to forego it.

I yield the floor.

Mr. WHITEHOUSE addressed the Chair.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Rhode Island is recognized.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, let me just say to my good friend from Rhode Island, I am sorry we have gotten a little bit behind. My remarks are not very long, and I will be happy to proceed on leader time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WHITEHOUSE. I am happy the leader should proceed. I simply wished to have an idea of how long it might be so I know when I would begin.

Mr. MCCONNELL. Ten minutes or less.

Mr. WARNER. Madam President, if I could make an inquiry of the distinguished leader while he is on the Senate floor, at some point I would like to work into the queue. If my good friend from Rhode Island is following the leader, perhaps I could follow him. Is there a standing order?

Mr. WHITEHOUSE. If I could indicate to the Senator from Virginia, we are under an order that allocates the time of one-half-hour blocks, and I have our first Democratic half hour. So it would probably be more convenient and better, if the Senator simply followed the Republican leader, and I just deferred some additional time to allow him to speak directly after the Republican leader, and we can adjust the order accordingly.

Mr. WARNER. Madam President, I appreciate that courtesy, and I will just take, say, 6 minutes following the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, my remarks are on another issue, but I was here for the colloquy between my good friend from Virginia and my equally good friend from New Mexico. We all know they are both retiring from the Senate later this year, but it is serendipitous that this issue has arisen at this particular time, when the American people are demanding the kind of action that the Senator from New Mexico and the Senator from Virginia have been promoting for years. So I think it is a good thing that while they are still here in their service to our country, we will be debating this issue vigorously next week, and all of us hope for success.

NOMINATIONS

Mr. MCCONNELL. Madam President, on another issue, this is the 1-year anniversary of the nomination of Judge Robert Conrad to be a member of the Fourth Circuit Court of Appeals. When this Congress began, the majority leader and I agreed that partisanship in the judicial nominations process was unhealthy, and we said this Congress would be different. The Los Angeles Times and the Washington Post acknowledged the President did his part to get the process off to a good start back in the beginning of this Congress. They, and many others, complimented his good faith in not resubmitting circuit court nominees whom some of our Democratic colleagues did not like.

The majority leader himself said how much he appreciated the President's good faith. He said:

> I personally want the record to reflect that I appreciate the President not sending back four names that were really controversial.

The majority leader also said he and his colleagues had an obligation to reciprocate and treat circuit court nominees fairly. He said:

> I think we have to reciprocate in a way that is appropriate, and we are going to try to do that by looking at these nominees as quickly as we can.

So the question is, have the Democrats treated these nominees fairly? Have they, in fact, reciprocated?

Let's look at the facts. This President is in his final 2 years of office, and the Senate Democrats, of course, hope to recapture the White House. So, obviously, there is a partisan incentive not to confirm President Bush's judicial nominees. This is, of course, human nature, but this situation is not new. President Bush is not the first President to be in his final 2 years in office when the opposite political party controls the Senate, and he will not be the last.

Even with lameduck Presidents, there is a historical standard of fairness as to confirming judicial nominees, especially circuit court nominees. The majority leader and I agreed that this Senate should meet that standard. The average number of circuit court confirmations in this situation is 17. President Clinton had 15. This Senate has confirmed only 10 circuit court nominees. What happened?

Unfortunately, old habits are hard to break and, in my opinion, Democrats on the Judiciary Committee found it hard not to play politics. It started with the renomination of Judge Leslie Southwick.

Judge Southwick was a distinguished State court judge and an Iraq war veteran. Moreover, he was someone the committee Democrats had already approved unanimously to the district court. So at the beginning of this Congress when the President tried yet again to fill a vacancy on the Fifth Circuit that had existed for his entire Presidency, he did not resubmit a nominee the Democrats opposed. Instead, he quite reasonably nominated someone whom committee Democrats had already approved: Leslie Southwick.

How did the Judiciary Committee Democrats respond? With one exception, they did a total about-face and actually tried to filibuster Judge Southwick's nomination.

Unfortunately, Judge Southwick isn't the only consensus nominee who became ''controversial.'' Judge Robert Conrad is the chief judge of a Federal district court in North Carolina. The Senate has already approved him to important positions not once but twice; first, as the chief Federal law enforcement officer in North Carolina, and then to a lifetime position on the Federal trial bench. In addition, the ABA gave Judge Conrad its highest rating, unanimously ''well qualified.'' Former Attorney General Janet Reno called him ''an excellent prosecutor'' and said she was ''impressed with his judgment . . . and his knowledge of the law.''

Again, to resolve a dispute—this time over a Fourth Circuit seat—President Bush did not resubmit a nominee whom Senate Democrats opposed. As with Judge Southwick, he nominated someone they had already approved, Judge Robert Conrad.

Guess what has happened. Well, nothing has happened. As of today, Judge Conrad has been sitting in the committee for 365 days, 1 full year, without a hearing, even though he meets all the chairman's criteria. He has the highest possible ABA rating, he has strong home State support, and he would fill a judicial emergency.

What is the result of all of this? While Judge Conrad waits in committee, the circuit court to which he is nominated is over 25 percent vacant. Over one-fourth of its seats are empty. Its chief judge states that to keep up with its work, the court must rely heavily on district court judges. In short, it is robbing Peter to pay Paul. ''It goes without saying,'' she says, ''that having to use visiting judges puts a strain on our circuit. In particular, it forces the circuit's district judges to perform double duty.''

The situation on the Fourth Circuit is so bad that the ABA has made the crisis on the Fourth Circuit its lead story in the most recent edition of its professional journal. It is on the cover page.

Now, my friend, the majority leader, comes to the floor this morning and essentially says judges aren't important, and no one cares about them. Given the crisis in the Fourth Circuit—a crisis that is so bad the ABA is highlighting it—I can't imagine he would suggest such a thing. I am sure the millions of citizens of the Fourth Circuit don't think that having their appellate court over 25 percent vacant doesn't matter. I am sure they care very much about that. But evidently that is what the majority leader believes, and apparently he is not the only one in his conference who feels that way, given the lack of action in the Judiciary Committee.

The committee refuses to move Judge Robert Conrad's nomination or any other pending Fourth Circuit nominee. We are told Democrats do not support Rod Rosenstein's nomination to the Fourth Circuit—which is supported by the Washington Post—because he is doing too good a job as U.S. attorney. That is an interesting rationale for not moving someone.

We have another Fourth Circuit nominee, Judge Glen Conrad from Virginia. He is a Federal district court judge whom the Senate confirmed to the trial bench without any controversy. He has the support of both his home State Senators, one Democrat and one Republican. After he was nominated, the chairman said he would move him as long as there was time to do so. Specifically, he stated:

> I have already said that once the paperwork on President Bush's nomination of Judge Glen Conrad to the Fourth Circuit is completed, if there is sufficient time, I hope to move his nomination.

Well, the chairman's conditions have been met with respect to Judge Glen Conrad's nomination. His paperwork has been ready for a month, and it is only July 17. The last time I looked, there were 12 months in a year. This is July 17. Clearly, we have time to confirm him, but yet we have no action on his nomination.

Now, our Democratic colleagues continually talk about the so-called Thurmond rule under which the Senate supposedly stops confirming judges in a Presidential election year. I am concerned that this seeming obsession with this supposed rule—which, by the way, doesn't exist; Senator SPECTER has researched that thoroughly and there is no such rule. Anyway, I am concerned that this seeming obsession with this rule that doesn't exist is just an excuse for our colleagues to run out the clock on qualified nominees who are urgently needed to fill vacancies.

No party is without blame in the confirmation process, but what is going on now—or, more accurately, what is not going on—is yet another step backward in politicizing the confirmation process—something we had all hoped we would get beyond.

It is the American people, especially those in the five States that make up the Fourth Circuit, who are suffering the consequences, and I am sorry the majority leader doesn't think that matters.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I thank the Chair. I again thank my colleague from Rhode Island.

Before the distinguished leader departs the floor, I simply wish to say that I appreciate his bringing up the nomination of Judge Glen Conrad to the United States Court of Appeals for the Fourth Circuit. I was privileged to recommend Glen Conrad to President Bush for his current seat on the U.S. district court for the Eastern District of Virginia. Judge Conrad has served in this position for five years, and, prior to his confirmation by the Senate, he was a magistrate judge in the Eastern District for twenty-seven years. He has devoted his professional life to serving the Federal court system and is eminently qualified to fill one of those Fourth Circuit vacancies that desperately need it.

I wish to thank my good friend and colleague, Senator WEBB, who joined me in recommending Judge Conrad for the Fourth Circuit. We have submitted our blue slips to the Judiciary Committee, and I have confidence that the majority leader and the distinguished chairman and ranking member of the Judiciary Committee will find time to look at his nomination. Glen Conrad is a true public servant who is ready to take and fill a badly needed post.

I thank the leader.

Mr. MCCONNELL. Madam President, if I could just take a moment, I haven't given up hope, I would say to my good friend from Virginia, that Judge Conrad will be reported out of committee and confirmed. But there are no remaining obstacles. All of the paperwork is done and has been finished for

over a month. I hope my good friend from Virginia, and his colleague who supports the nominee who is of the other party, will continue to press the chairman of the Judiciary Committee and the majority leader to move forward with a nominee who appears to me by all accounts to be about as noncontroversial as can be come up with. So I thank my colleague from Virginia.

Mr. WARNER. I thank again our colleague from Rhode Island.

I spoke earlier when the distinguished Senator from New Mexico, Mr. DOMENICI, was on the Senate floor talking generally about the drilling offshore. I mentioned that for many years I have been working on it with other colleagues in this Chamber and lost the majority by one vote.

I ask unanimous consent to amend those statements with further criteria.

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

Mr. WARNER. Madam President, now I wish to briefly address what I think is a very important aspect of the ongoing debate on energy. I want to laud many Senators on both sides of the aisle who are looking at the gravity of the situation. Families sit around the kitchen table in the evenings and work out problems among themselves, including the gravity of the problems associated with the rising gas prices at the gas pump, food prices, and many other issues. I went in and made a study of the increased cost of a loaf of bread, dishwasher fluid—I could go on and on—hot dogs, hamburgers. The extent to which prices are going up is extraordinary, coupled with the increased price at the gas pump.

We are all working together, and I firmly believe that under the leadership of Senators REID and MCCONNELL, we can come up with some sort of a bipartisan effort consistent with the overall policy the President has urged recently in his speech.

As important as offshore drilling is—and I yield not a foot of ground on that; I think it is important, and that is why I have been advocating it for many years. I support battery-powered automobiles, wind energy, and all of the other renewables. But we have to do something now, today, and tomorrow to help the people sitting around their kitchen tables trying to solve their problems. I have been looking at several options, and I will review them briefly.

I anticipate that one-third of Americans today are virtually desperate and trying to make ends meet with their family budgets, and the necessity to drive their automobiles to go to work, pick up their children, to visit their elderly grandparents—all of these things are matters of necessity, and they are trying to balance that out among themselves. What do we do about it?

I introduced the Immediate Steps to Conserve Gasoline Act—an odd title but straightforward in what it says. My idea is as follows: Many folks—a third of them—are conserving; they are taking conservation steps. Look at the statistics. You see less driving. Quite a few statistics are coming in about less driving, which translates into less demand at the gas pump. A free marketplace should lead to some measure of reduction. We recognize that gasoline and petroleum is at worldwide pricing, and we are in a one-world market. We are competing with other nations, which are likewise experiencing the rising costs of fuel.

My brother recently returned from a business trip to Europe. He is quite familiar with Central Europe and Austria. He said on the famous autobahn they are cutting back on the speed because there is a savings on gasoline. The faster you drive, the less efficient the carburetion process in the engine is in terms of delivering power.

I suggested to the President, to the Secretary of Energy, and I have asked the Government Accounting Office to look at a chapter in American history. I remember it quite well, 1973 to 1974. I was at the Navy Department. My friend from Rhode Island, John Chafee, and I were together at that time. I remember the President, together with the full support of the Congress, enacted legislation whereby America imposed a hardship on itself; it was a program all across America—and it is all a matter of public record—that made the speed limit 55 miles per hour. What I have asked the President, the Secretary of Energy, the GAO, and others to do is to go back and examine that period, take a look at it. Fifty-five might not be the speed limit; it might be 60 or even a slightly higher speed limit because of the improved carburetion process and efficiency achieved in this nearly quarter of a century in today's modern automobiles compared to the 1973–1974 automobiles.

It is interesting, in that period of time—and these are Government statistics—when the national speed limit was imposed, it saved 167,000 barrels of oil a day. The significance of that figure is that, in that period, 1973–1974, we were only 30 percent dependent upon importing oil from abroad. Now we are at 60 percent. So there has been a doubling of our dependency on foreign oil. Also, the number of vehicles on the road today—a quarter of a century later—is approximately twice the number of vehicles that were traveling America's highways and roads in 1973–1974.

I realize it is not popular to talk about it. Believe me, around my own dinner table at night, I have heard from my children, who are not at all pleased with this.

Anyway, I think we have an obligation as a Congress, working with the executive branch, to look at it. That is all I am asking. Go study it, those who are far more knowledgeable than I and those who have all of the facts at their fingertips, and let's bring in the private sector to give their views and look at this potential. If we were to bring about some reduction of the high speeds on America's roads and highways today, I think you could translate that into less demand at the pump and less demand in terms of out-of-pocket costs.

So there we are, simple as that. It is history, it worked, so let's look at it. That 55-miles-an-hour speed limit that was put in back then stayed for 20 years. Congress finally repealed it in 1995. Guess what. The cost of fuel had dropped to $2 a gallon or thereabouts.

The other measure that I bring to the attention of my colleagues is this: The American people are using their own initiatives to save energy, and I am calling on the entire Federal Government, under the leadership of the President, and all of the agencies and departments to see whether they can reduce their overall use of gasoline by 2 to 3 percent—just by a small margin.

We passed an energy act here not long ago, and I use that as a model. We were talking about other forms of energy there. That is becoming law.

For 1 year, the Federal Government can say we are going to join the citizens and reduce our overall consumption of gasoline by 2 to 3 percent, give it a try—anything to bring off pressure at the pump.

My two concepts fall clearly under the area of conservation. As I look at the various options my colleagues on both sides of the aisle are exploring and looking at, I do not see therein the conservation potential, thus far, which can bring about some relief. I am confident this can be done if it is done properly. The American people are not going to like it. Politically, it will be a tough one. Somehow, I have always felt, in the 30 years I have been privileged to be a part of this body, that we are called upon now and then to make tough calls and stand up to the American public and say we have to all pull together—the people and the Government, State and Federal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that after I have concluded my remarks, the control of the time go back and forth between the Republicans and the Democrats, alternating in half-hour increments.

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

HEALTH CARE

Mr. WHITEHOUSE. Madam President, I am very pleased to have a chance to speak today about the problem of health care in our country.

We are coming into a potentially very exciting time, when a new President and new administration will open up new opportunities to reform our ailing and broken health care system. It is a matter of urgency that we do so. It is also a matter of urgency that we get it right.

I have spoken on this issue on a number of occasions on the floor and elsewhere, and I often describe the marks

of failure of our health care system, which are many. For example, the number of uninsured Americans is now climbing toward 50 million people. The fact is that despite the best doctors, the best nurses, the best medical equipment and procedures, the best medical education in the world, as many as 100,000 Americans are killed every year by avoidable medical errors. In the United States, our life expectancy, our obesity, and our infant mortality rates are an embarrassment compared to other nations.

The health care system cost is over $2 trillion. The last report I saw was at $2.3 trillion, and it is anticipated shortly to reach $4 trillion. At this point, we are spending 16 percent of our gross domestic product on health care, which is far more than any other nation; the closest nation comes to 11 percent. The average of the European Union countries is only 8 percent. So we are putting twice as much of our national product into our health care system as our European competitors are.

Within our own system, the insurance companies' overhead eats up 31 percent of private insurance health care expenditures. In the battle between insurers and providers over getting paid—which is becoming increasingly an arms race—$20 billion per year gets burned up and lost.

More American families are bankrupted by health care emergencies and health care expenses than any other cause. It is not just uninsured families who are being bankrupted. It is the insured as well because of the thinness of so much of our coverage. There is more health care than coffee beans in Starbucks coffee. There is more health care than steel in Ford automobiles.

So when you look at it from that perspective, you truly see a troubled system.

The Commonwealth Fund has recently put forward a report that drills into the problems of our system even further. I would like to take some time to share with my colleagues the findings from the Commonwealth Fund study. They are quite impressive, but not in a positive way.

They found that Americans spend more on health care expenses than any other of the countries they tracked. This axis of the graph shows total health care spending. This axis of the graph shows the out-of-pocket spending in addition to the insured health care spending. You can see that the United States stands as an extreme outlier to all of these other nations, including France, Germany, Canada, Netherlands, Australia, New Zealand, and Japan, and the average of the OECD countries—a group of 30 market economy countries that are very competitive with ours.

It is astonishing. We cannot remain competitive when total health care spending is this much above those countries, plus out-of-pocket demands on individual Americans, in addition to that national health care spending, is so much greater than those other countries.

People who spent more than $1,000 out of pocket for medical care in 2004 when the study was done: In the United States, nearly a third of the above-average income people; a quarter of below-average income people, compared to the United Kingdom, 2 percent and 5 percent; New Zealand, 4 percent and 6 percent; Canada, 10 percent and 12 percent; Australia, 8 percent and 21 percent. We are not even close.

Spending on physician services: In the United States, we pay $1,362 every year per capita on physician services. In the Nations with which we compete: Japan $563; OECD, the average is $482; Australia, $436; France, $371; Canada, $319; Germany, $307. That is a quarter of what we spend. And they are not receiving bad health care in those countries.

Pharmaceutical spending is a little bit more even but, once again, who has to spend the most? Good old USA, more than twice what the OECD average is or The Netherlands; about twice what Australia is. Over and over, we see persons punished by the cost of the health care system.

Here is what I mentioned earlier, the percentage of the gross domestic product spent on health care: America, 16 percent; the next highest is just under 11; OECD, the average is 8.7 percent. This is not a sustainable situation.

Health care spending per capita, $6,102 for Americans, compared to the competing systems: Canada, $3,165; France, $3,159; The Netherlands, Germany, Australia, OECD, UK, Japan, New Zealand, down to $2,083, about a third of what we spend in the United States of America. And they have very decent health care systems and, in many cases, better health care outcomes.

This is similar to the other graph showing that $6,102 goes per capita per year to support our health care system. This shows that if you break it up into public spending in the yellow, out-of-pocket spending in the white, and private insurance spending in the blue, if you take the private and out-of-pocket spending, it is more than every other country with which we compete. That entire $2,572 per person in private insurance spending is all above what everybody else has to pay for health care in their countries. No wonder facts such as these emerge.

Physicians perceive that patients often have difficulty paying for medications: 51 percent of American doctors have observed in their professions that we Americans have difficulty paying for our prescriptions—51 percent. In New Zealand, the next highest, it is 27 percent; Canada, 24 percent; Germany, 23 percent; Australia, 15 percent; UK, 13 percent; down to Netherlands, 7 percent. Wouldn't we be better off as a country if only 7 percent of physicians reported that their patients often had trouble paying for medications?

And for all of that, look at some of the results we get. Deaths due to surgical or medical mishaps per 100,000 population: America leads the nations with .7 mishaps per 100,000; .6 for Germany; .5 for Canada and France, all the way down to .2 for Japan and The Netherlands. We pay more, but we don't get better results.

This one makes me cringe to look at. Infant mortality rate for our country: 7 deaths per 1,000 live births. Look at the countries that beat us in infant mortality: New Zealand, Canada, United Kingdom, Greece, Ireland, Portugal, Australia, Netherlands, Switzerland, Italy, Denmark, Belgium, Germany, the Czech Republic, Austria, France, Spain, Norway, Sweden, Finland, Japan, and Iceland, with many countries with an infant mortality rate half our country's, despite the fact we are spending twice as much on health care.

If we look at potential years of life lost to circulatory illness, which means dying younger than you should have, America leads: 825 potential years of life lost per 100,000 population; Australia, 419; France, 411, half as much. It is embarrassing.

Potential years of life lost due to diabetes: In the U.S., again, 101, down to Japan, 25, four times better. Look at how we are outliers against the rest of our competitors and against these other developed nations.

Diseases of the respiratory system: Here we go again. Who is the worst? The USA.

Obesity: This is a huge indicator of future illness and future health care expense. Again, who is the worst? Madam President, 30.6 percent in the U.S., down to 9.5 percent in France; 10.9 percent in The Netherlands; 12.9 percent for Germany; the OECD average, 13 percent. We are twice as bad as the OECD average.

Look at the system that is backing it up. Patients reporting any error based on the number of doctors they have seen: If they have 4 or more doctors, 48 percent of American patients reported errors; with 1 doctor, it is 22 percent. We are worse than all the other countries again and again.

It is similar for medical, medication, and lab errors. Who is the worst? The United States, with 34 percent compared to 22 percent in the UK; 23 percent for Germany; 25 percent for New Zealand; 27 percent for Australia; 30 percent for Canada.

Incorrect lab and diagnostic test or delay in receiving abnormal test results: Again, who has the worst record? The U.S., 23 percent. The Germans managed to get that down to 9 percent. We are more than twice as bad as they are.

Coordination of care, vitally important for people who have multiple illnesses and multiple treatments, reporting of coordination problems: The U.S., 43 percent for those with 4 or more doctors; 22 percent for those with 1 doctor. That is again, worse than all of our competitors that were in the study.

Difficulty getting care on nights, weekends, and holidays without going

to the ER: It has become standard in America that the place you get care on nights, weekends, and holidays is the emergency room, and that is why 61 percent of adults who sought care reported it was very or somewhat difficult to get care without going to the emergency room. In Germany and New Zealand, they managed to get that to 25 percent and 28 percent respectively, another measure that the system is not serving the American people.

Test results or medical records not available at the time of appointment: 23 percent compared to 11 in Germany. Again, we are the worst on the table.

Doctors who report they routinely receive alerts about potential problems with drug dosage or drug interactions: In the United Kingdom, 91 percent report they receive alerts about a potential problem with a drug dosage or interaction; 97 if you include those who use a manual system; 93 percent total in New Zealand; 95 percent in The Netherlands; 90 percent in Australia; 51 percent in the United States. We are not even close by a lot of these measures.

Here is our public investment per capita in health information technology, which is probably the platform to the solution of our health care dilemma: United Kingdom, 192 bucks per person in 2005; Canada, $31; Germany, $21; Australia, $4.93. Here is what we invest in the U.S.: 43 cents—43 cents—to develop health information technology. No wonder we are getting those results we saw.

And here they are, primary care doctors' use of electronic patient medical records: 98 percent of primary care doctors use electronic patient medical records in The Netherlands; 92 percent in New Zealand; 89 percent in the UK; 79 percent in Australia; 42 percent in Germany; and look at us, 28 percent. It is pathetic.

And where are the financial incentives to encourage doctors to do it? Why is it at 28 percent? Look who reports they have financial incentives for quality of care improvements: 95 percent do in the UK; 79 percent in New Zealand; 72 percent in Australia. Who, again, is the worst? Who again is trailing the civilized, developed world? The United States of America. Again, it is embarrassing.

If you are managing patients with chronic disease, which is where the big money is and where the biggest health risks are, how many primary care doctors get financial incentives for quality of care improvement: 79 percent do in the United Kingdom; 68 percent do in New Zealand; 62 percent in Australia; in The Netherlands, 47 percent; in Canada, 37 percent; in Germany, 24 percent. Look at us, 8 percent. And we wonder why there is a problem.

We are not even happy about the system and our interactions dealing with it. Does your doctor always listen carefully? Who comes in last? The U.S.

Does your doctor always explain things so you can understand them? Who comes in last? The U.S.

Does your doctor always spend enough time with you? Who comes in last? The U.S.

I know I have taken everybody through a lot of graphs. There are a lot more in the overall study by the Commonwealth Fund. This is the wrap-up of the ranks for 2004, 2006, and 2007 of the six nations. Who is last every year? Sixth place for six; sixth place for six; sixth place for six; and for $6,102 per person compared to about $3,000 or less for almost every other one of our competitors.

This is what it leads to. This is spending on health per capita. Back in 1980, all the nations were grouped fairly closely together. The other nations have remained fairly closely grouped. But look at what has happened to our cost profile, and it is going to continue to go up and up and up and up, and we are going to come to a breaking point.

David Walker, the former Comptroller General, has said the cost of the unfunded liability we bear for the future costs of entitlement programs is $53 trillion. I come from Rhode Island. We don't deal in trillions of dollars. Our whole State budget is a little over $5 billion.

What is $53 trillion? If a penny is $1 billion and 5 pennies is a stack about this high, which will be the entire State of Rhode Island budget, $53 trillion is a stack of pennies more than 250 feet high, through the roof of this building and hundreds of feet into the air.

What we are going to have is a health care calamity. We have two choices as to how we deal with it. We can wait around. We can wait until the wolf is at the door and then we can decide we cannot afford $53 trillion. We can make fiscal adjustments to that. We know what fiscal adjustments we can make. We have done some already. You pay providers less. You throw more people off health care. You make insurance coverage thinner. You raise taxes to pay for it. But we have gone down all those roads already. We have gone too far down those roads already. And if we are left with only those tools in the toolbox to solve this health care problem, we will be doing one of the gravest disservices this Congress has ever done to the country we are here to serve. Instead, we have to go and look at the health care delivery system and repair it so it provides better results.

The good news from all the bad news on those charts is that there is enormous room for improvement. We can substantially reduce the cost. There are three important ways I think we can go about doing this. The first is to improve our health information technology. We need to have a national health information technology infrastructure. The RAND Corporation values having a national health information technology infrastructure at somewhere between $81 billion and $346 billion per year. That type of savings is worth spending some serious money to achieve—not the 43 cents per person we saw on the graph. We have to engage in a national urgent construction project of a health information technology infrastructure.

The second thing we have to address significantly is the problem of quality and the underinvestment in prevention in our system right now. There are enormous savings to be reached there. In a project we are doing in Rhode Island, copying the Keystone project in Michigan, we are seeing significant savings in our intensive care units and improving quality of care. In Michigan, in 15 months, they saved about 1,500 lives, and they saved about $150 million. And it wasn't even in all the intensive care units in Michigan. There are huge savings from quality improvement if you can set up the incentives so people will do it.

When we set this up in Rhode Island, the hospitals came to me—I was attorney general then—and they said: we will do this, but it is going to cost $400,000 a year. And I said: Yes, but it saves money. Keystone showed that. We think it will save $8 million. That is a 20-to-1 return. Go. And they said: No, no, no, you don't understand how it works in the health care system. That $400,000 comes out of our expenditures. That is a negative on our bottom line. That $8 million savings comes out of our revenues. We get reimbursed for that care. So we will lose $8 million in revenues if you ask us to spend this $400,000. That is a big hit.

They agreed to do it, but I have taken aboard in my mind and my heart the lesson of how badly our health care system supports providers when they try to improve the quality of care in this very tough financial environment they are in.

That brings us to the third piece. Health information technology was first, quality prevention investment in ways that will save costs is second, and the third is to reform the reimbursement system so the price signal that gets sent into the market by our health care system directs people in ways we want.

We can't do this on a piecemeal basis any longer. These three ideas can dramatically reform our health care system. They have one problem. They will take some time. You can't turn the switch and make them go. We have some work to do to develop the strategy, to implement it, and to build what new infrastructure has to be constructed to make it work. I would guess, based on an experience I had in Rhode Island with a similar reform, that it is a 10-to-15-year lead time to have the full effect begin to show itself.

And you know what, if you dial back from the time when that $53 trillion fiscal tsunami is going to hit this country, that 10 to 15 years is probably right now. So not only is a new administration with a new President and new energy and new opportunities a great chance in the coming year to begin to

get this work done and to open a substantial reform of our health care system, but it is also, in many respects, a deadline.

You can go by a highway exit and it is too late to come back to it, and I am afraid that is where we are right now. So as I prepare to conclude my remarks and yield the floor, I want to say to my colleagues: we are going to have to work very hard together to fix our health care system in the coming year. I know the financing problems and the access problems are real, but I urge and implore you to consider that it is not enough to repair the finance and the access problems of our health care system. We need to get into the delivery system and fix it so it provides better, less expensive, more efficient health care for Americans.

I believe we can do it, and I believe it is not a partisan issue. It is a question of right versus wrong, smart versus stupid, wasteful versus efficient, and not right versus left or Republican versus Democrat. So I challenge my colleagues to join me in this fight, and I look forward to the important results from it that America needs.

I thank the Presiding Officer for recognizing me, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I am introducing two bills today, the second of which resolves the problem of the gas price crisis at the pumps today.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 3280 and S. 3281 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise today to speak about an issue that weighs heavily on the minds of every Ohioan—the skyrocketing cost of gasoline. There have been many elaborate theories bandied about on the floor of the Senate in the last month as to why gasoline is so expensive. We have heard that investors are driving up the cost of oil by 20 to 30 percent. But businessman Warren Buffett has said ''it's not speculation, it's supply and demand.'' And Paul Krugman wrote in an op-ed, ''the hyperventilation over oil market speculation is distracting us from the real issues.''

Madam President, I will insert for the RECORD an article which appeared in the July 7–14 Newsweek edition by Robert Samuelson titled ''Let's Shoot the Speculators!'' The quote I want to make as part of my speech is:

> Gosh, if only it were that simple. Speculator-bashing is another exercise in scapegoating and grandstanding. Leading politicians either don't understand what's happening or don't want to acknowledge their complicity.

There have also been calls to increase production in the 68 million nonproducing acres that are already leased. Some of my colleagues are claiming that hundreds of small, medium, and large oil companies are colluding to not drill on their current leases because they want to restrict the supply so they can increase profits. At the same time, those same colleagues accuse the industry of wanting to open ANWR and the OCS to more drilling to increase profits by increasing supply. That makes absolutely no sense.

I think we can all agree this is a complicated issue with moving parts. Congress cannot afford to address the factors contributing to the high gas prices individually as we are doing today. We must look at the pieces comprehensively and find solutions to combat this crisis from all angles, and we have to act now.

Over the past months, I have heard loudly and clearly from thousands of Ohioans how this crisis is directly affecting them and their loved ones. In fact, this past July 4 recess I was talking with folks about high gas prices. They are frustrated and angry—frustrated at the high cost of gasoline and angry that Congress wasn't getting off its you know what to do anything about it. They told me about how the price of gasoline is affecting them where it hurts—right in their pocketbook. It is affecting vacation plans for those families who planned to take long trips this summer. It is affecting people who have to drive long distances for a living. And it is particularly affecting people who live on the financial edge.

The truth is, with the high cost of natural gas, and the high cost of gasoline and food, the standard of living of millions of Americans is being impacted substantially.

Other Ohioans have written to me, and one letter I think about quite often was from Mary Keener, who works at the James Cancer Center in Columbus. She wrote to my office to tell me about her concerns for patients living in Ohio's Appalachian region. She says:

> Patients call our office and say: ''I know I need this cancer treatment to live, but I can't afford to buy the gas to get it. Can you help me?''

Every day, more and more Ohioans contact me and it is becoming clear that they get it. They realize we need to increase our oil supply and develop a comprehensive energy strategy.

Sadly, this crisis could have been averted. We have known for years that we need a comprehensive energy strategy, and I have been calling for one since I came to the Senate in 1999. In 2002, after the Senate failed to pass the provision that would have opened ANWR and dramatically increased our domestic energy production, I said:

> As we go down the road, I think those that voted against this amendment will regret their vote when we face the sticker shock at the gas pump and the eventual impact that continued dependency on foreign oil will have on our national security, economy, and our foreign trade deficit.

Since that vote, gas prices have increased more than 200 percent. Meanwhile, it took 5 years and 6 weeks of floor debate for Congress to pass the 2005 Energy Policy Act, a bill that only provided limited strides forward. And while the bill took modest steps to improve national energy efficiency, boost research and development funding for advanced energy technologies, and promote increased use of biofuels, it did not go far enough toward increasing our domestic energy supply.

For years, the gap in the United States between demand and domestic supply has been widening. In fact, U.S. oil production has steadily declined since 1970, when it was nearly 10 million barrels per day, to 5.1 barrels in 2007. So with less domestic resources available, we have been forced to seek energy abroad.

In 1973, the United States imported 6 million barrels of oil per day, or 34 percent of our total supply. By 2006, net oil imports were 12.4 million barrels per day, or 60 percent of our total liquid fuel use.

This chart gives you an idea of what has happened. Our domestic oil production has gone down and our need for imported oil has gone up. You can see the gap that exists. And the only way we are going to make any progress is to reduce that gap that is so pronounced today.

While Americans understand we need to increase the supply of oil, I am not sure they fully realize to what extent our life is threatened by our reliance on foreign sources of oil. Every year we send billions of dollars overseas for oil to pad the coffers of many nations that don't have our best interest at heart, such as Venezuela, whose leader has threatened to cut oil off to the United States.

In fact, in 2007, we spent more than $327 billion to import oil. Sixty percent of this, or nearly $200 billion, went to the oil exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion, $360 billion of which is going to go to the OPEC nations. Let's take a moment to put those figures into context, when compared to our fiscal year 2008 budget for our national defense, which was more than $693 billion. The $600 billion we will spend to import oil in 2008 is nearly equal—it is nearly equal—to the entire defense budget of the United States.

Our dependence on foreign oil has serious national security implications. In addition to funding our enemies, as I explained, we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world. A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil, as was done in 1973.

Do you know that 80 percent of the global oil routes flow through unstable countries, such as Iran? Over 40 percent of the world's oil travels through the Strait of Hormuz.

Just to give an idea, this graph reflects where we are getting our oil. Here is Venezuela—Chavez, the dictator down there who is working against our interests constantly in South America. He is no friend of ours. The Middle East. We know what we have over in this unstable part of the world. Our concern about Iran is also impacting on the price of oil, because people are not certain what is going to happen in terms of Iran.

Our dependence on foreign oil is even more troubling when you consider our Nation's financial situation. The decline of the dollar has had a direct effect on increasing prices of gasoline. In fact, many experts say we are paying substantially more to export oil today because of the weak dollar.

We cannot overlook our national debt. Today, 51 percent of the privately owned national debt is held by foreign creditors, mostly foreign central banks. That is up from 6 years ago. Foreign creditors provided more than 70 percent of the funds the United States has borrowed since 2001, according to the Department of the Treasury.

Who are these creditors? According to the Treasury Department, the three largest holders of U.S. debt are China, Japan, and OPEC. This is insane. It has to stop. We cannot afford to allow at this time countries that control our oil and our debt to control the future of the United States of America.

We need to enact an energy policy that broadens our base of energy resources to create stability, maintain reasonable prices, and protect our Nation's security. It must be a policy that will keep energy affordable, and it must be a policy that will not cripple the engines of commerce that fund the research that will yield environmental protection technologies for the future.

We need a second Declaration of Independence to move us away from foreign sources of energy in the near term and away from oil in the long term.

This is not going to be easy. As you know, oil is not easily found nor substituted, and it will remain an integral part of our economy in the short term. But we must make investments today that will help us achieve our goal tomorrow. To do this, I believe we must increase our supply, reduce our demand through alternative energies, and conserve what we already have.

We are trying to get folks to understand that if we want relief from high gas costs, we must begin to make investments today that will help us achieve our goal tomorrow. We talked a lot in recent weeks about finding more and using less. If we had accomplished this 10 years ago, I would not be here talking about the high price of gasoline and the suffering of Ohioans in my State.

In order to stabilize our Nation's energy supply, we must enact policies to increase development of domestic oil. While these resources will not physically come on line for a number of years—and people better understand it—moves to expand the development will send a clear signal to the market that we are serious about meeting our future energy demands and immediately begin to drive down the cost of oil because our investors will know that gas will not be worth as much in the future, and therefore they will sell it off today. It will have an impact on the price.

The fact is, we have more energy resources in the United States than any other country in the world. We are the No. 3 oil producer in the world, but the majority of our oil resources are locked up. Madam President, 85 percent of our offshore acreage and 65 percent of our onshore acreage is off limits. I was embarrassed that we have gone to Saudi Arabia with our hat in our hand to beg them to increase oil production. Rather than begging the Saudi Government, we need to be utilizing our own resources.

The other day I said if I were King Abdallah of Saudi Arabia, I would say to President Bush: Mr. President, why do you come to me asking for more of our oil when you have great resources in your country? You want to use all of our resources. In Alaska you have more than 10 billion barrels of oil. You had a chance to open ANWR to responsible environmentally friendly oil exploration in 1995, but President Clinton vetoed it. Your country could be producing an extra 1 million barrels of oil today, an increase of 20 percent over your current production.

Did you know that Prudhoe Bay, located west of ANWR, has cleanly delivered billions of barrels of crude oil since the 1970s, providing a strong example of the drilling that can be done safely with minimal environmental impact with today's technology and environmental safeguards.

You could also give your States the option of drilling on the Outer Continental Shelf. These reserves are believed to equal 8.5 billion barrels of oil, and undiscovered resources could equal 10 times that. That is 85 billion barrels of oil. But a moratorium currently prohibits access to the OCS.

By the way, I commend President Bush for lifting the executive moratorium. I will just keep talking for King Abdallah.

I know some of your environmentalists are concerned, but it is my understanding that there has not been a significant oilspill on the gulf coast for nearly 30 years, and in 2005 Hurricane Katrina passed overhead nearly 4,000 rigs without causing a significant spill.

You could make use of your vast reserves of oil shale. There are currently 800 billion barrels of oil, technically recoverable reserves, in the United States. That is three times larger than the total proven oil reserves of Saudi Arabia. Think of that, three times as much.

The Rand Corporation noted that:

> If oil shale could be used to meet a quarter of United States' demand, 800 billion barrels would last for more than 400 years.

Again, you passed a moratorium that prohibits access to these reserves—regulations even to go in there. Your friend up north, Canada, has some of the largest tar sand reserves in the world. A Congressman named WAXMAN passed a provision that jeopardizes access to those resources.

Don't forget coal. You have 250 years of coal in the United States, more than any other nation in the world. You are being prevented from using coal to liquid. As a matter of fact, in the State of Ohio, Baard Energy is planning a coal-to-liquid and biomass facility that will produce 53,000 barrels a day of jet and diesel fuel and other production from coal and biomass feedstocks.

Advances in carbon capture sequestration technology would lower the greenhouse gas emissions, but again, because of Congressman WAXMAN, your coal-to-liquid industry has slowed the Air Force's plans to run their entire fleet on synthetic fuel by 2016.

We ought to realize this. How did the Germans stay in the war effort when they had no oil? They took the coal they had, they converted it to oil, and that is how they kept their war machine going. It seems to me we ought to at least give recognition to the fact that we should make sure that our defense has all of the resources it needs in terms of oil.

I think we have to get real. We say to all these other countries that we want them to use their reserves, increase their supply. Frankly, they should say: Why don't you do it yourself? Why don't you do it?

The other thing we have to do is we have to use less. It is long past time for our Government to provide the spark to rekindle our Nation's creativity and innovation. Following Russia's launch of Sputnik, President Kennedy challenged us and said we are going to put a man on the Moon in 10 years, and we did it. By golly, if we could put a man on the Moon in 10 years, we can figure out how we can become the country that uses oil the least in the world. We do need a new Apollo project to encourage further advances in ethanol to cut consumption and the development of more efficient, hybrid electric and plug-in vehicles. I hope my grandchildren will be using plug-in vehicles. They will not be using any oil at all in terms of their transportation. If half our fleet of 240 million vehicles were converted to electric hybrids, we could reduce our oil imports by 4 to 5 million barrels a day.

Last week I chaired an energy forum and had the opportunity to hear from David Vieu, president of A123 Systems, which company is developing American-made battery technology. He explained that this technology is already commercially viable.

We are making some headway. We have to make up our minds that we are going to get the job done. We have to let the world know. Can you imagine what we could do? Let the world know we are going to go after every drop we

have available, in terms of our supply, and we are going to do everything we can to reduce our demand. We are going to do everything we can to conserve what we have. I believe that will send the fear of God through those individuals, and we will see an impact on the cost of oil in this country, even though it is going to happen in the future.

Do you know what is funny. These folks are betting that we will not do what we ought to do because they have watched us. They have watched us. They have seen that we have not used our resources. They have watched us and seen that we have not used the best technology to reduce our demand for oil. They have watched us as we have not conserved as we should have been doing during the last number of years.

I think the chickens have come home to roost. High gas prices are hurting Americans. The problem we have had in this country is, we haven't had an energy policy, but we have not harmonized our environment, our energy, our economy, and our national security. I am confident we can come together on a bipartisan basis and work something out so the American people understand that the Senate and Congress have come together on an issue that is of crisis proportion to our fellow Americans, and that we care more about them and our country's future than we do about bickering with each other.

I go home all the time, and people just say: the reason your numbers are so bad is because we think you guys, men and women, are more interested in partisan politics and bickering than you are in getting together and getting the job done.

I have to say, from my perspective, it is very frustrating. I was the mayor of Cleveland, an 8-to-1 Democratic city; 21 councilmen and the most powerful council president. We worked together. We figured out how to move the city of Cleveland ahead for 10 years.

I became the Governor of Ohio, and Vern Rife was the speaker of the house 24 years, the most powerful Democratic speaker we had. After he discovered I was Governor after 6 months—it took a while—Vern and I sat down and said: You know what. Let's work together and move Ohio ahead.

I think it is time we got together and said: Republicans and Democrats, let's move America ahead. Wouldn't it be great for our children and grandchildren to one day celebrate the time America put aside its differences and came together to reaffirm its independence a second time and rekindled the American spirit of self reliance, innovation, and creativity to usher in a new era of prosperity?

Mr. President, I ask unanimous consent the Newsweek article by Robert Samuelson be printed in the RECORD.

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

[From Newsweek, June 28, 2008]

LET'S SHOOT THE SPECULATORS!

(By Robert J. Samuelson)

Tired of high gasoline prices and rising food costs? Well, here's a solution. Let's shoot the ''speculators.'' A chorus of politicians, including John McCain, Barack Obama and Sen. Joe Lieberman, blames these financial slimeballs for piling into commodities markets and pushing prices to artificial and unconscionable levels. Gosh, if only it were that simple. Speculator-bashing is another exercise in scapegoating and grandstanding. Leading politicians either don't understand what's happening or don't want to acknowledge their complicity.

Granted, raw-material prices have exploded across the board. Look at the table below. It shows price increases for eight major commodities from 2002 to 2007. Oil rose 177 percent, corn 70 percent and copper 360 percent. But that's just the point. Did ''speculators'' really cause all these increases? If so, why did some prices go up more than others? And what about steel? It rose 117 percent—and continued increasing in 2008—even though it's not traded on commodities futures markets.

A better explanation is basic supply and demand. Despite the U.S. slowdown, the world economy has boomed. Since 2002, annual growth has averaged 4.6 percent, the highest sustained rate since the 1960s, says economist Michael Mussa of the Peterson Institute. By their nature, raw materials (food, energy, minerals) sustain the broader economy. They're not just frills. When unexpectedly high demand strains existing production capacity, prices rise sharply as buyers scramble for scarce supplies. That's what happened.

''We've had a demand shock,'' says analyst Joel Crane of Deutsche Bank. ''No one foresaw that China would grow at a 10 percent annual rate for over a decade. Commodity producers just didn't invest enough.'' In industry after industry, global buying has bumped up against production limits. In 1999, surplus world oil capacity totaled 5 million barrels a day (mbd) on global consumption of 76mbd, reckons the U.S. Energy Information Administration. Now the surplus is about 2mbd—and much of that in high-sulfur oil not wanted by refiners—on consumption of 86mbd.

Or take nonferrous metals, such as copper and aluminum. ''You had a long period of underinvestment in these industries,'' says economist John Mothersole of Global Insight. For some metals, the collapse of the Soviet Union threw added production—previously destined for tanks, planes and ships—onto world markets. Prices plunged as surpluses grew. But ''the accelerating growth in India and China eliminated the overhang,'' Mothersole says. By some estimates, China now accounts for 60 percent to 80 percent of the annual increases in world demand for many metals.

Commodity-price increases vary, because markets vary. Rice isn't zinc. No surprise. But ''speculators'' played little role in the price run-ups. Who are these offensive souls? Well, they often don't fit the stereotype of sleazy high rollers: many manage pension funds or university and foundation endowments. Their modest investments in commodities aim to improve returns.

These extra funds might drive up prices if they were invested in stocks or real estate. But commodity investing is different. Investors generally don't buy the physical goods, whether oil or corn. Instead, they trade ''futures contracts,'' which are bets on future prices in, say, six months. For every trader betting on higher prices, another is betting on lower. These trades are matched. In the stock market, all investors (buyers and sellers) can profit in a rising market and all can lose in a falling market. In futures markets, one trader's gain is another's loss.

Futures contracts enable commercial consumers and producers of commodities to hedge. Airlines can lock in fuel prices by buying oil futures; farmers can lock in a selling price for their grain by selling grain futures. What makes the futures markets work is the large number of purely financial players—''speculators'' just in it for the money—who often take the other side of hedgers' trades. But all the frantic trading doesn't directly affect the physical supplies of raw materials. In theory, high futures prices might reduce physical supplies if they inspired hoarding. Commercial inventories would rise. The evidence today contradicts that; inventories are generally low. World wheat stocks, compared with consumption, are near historic lows.

Recently the giant mining company Rio Tinto disclosed an average 85 percent price increase in iron ore for its Chinese customers. That was stunning proof that physical supply and demand—not financial shenanigans—are setting prices: iron ore isn't traded on futures markets. The crucial question is whether these price increases are a semi permanent feature of the global economy or just a passing phase as demand abates and new investments increase supply. Prices for a few commodities (lead, nickel, zinc) have receded. Could oil be next? Barron's, the financial newspaper, thinks so.

Politicians now promise tighter regulation of futures markets, but futures markets are not the main problem. Physical scarcities are. Government subsidies and preferences for corn-based ethanol have increased food prices by diverting more grain into biofuels. A third of the U.S. corn crop could go to ethanol this year. Restrictions on offshore oil exploration and in Alaska have reduced global oil production and put upward pressures on prices. If politicians wish to point fingers of blame for today's situation, they should start with themselves.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. ROCKEFELLER, Mr. LAUTENBERG, and Mr. MENENDEZ pertaining to the introduction of S.J. Res. 44 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New York.

KIYO MATSUMOTO AND PAUL GARDEPHE

Mr. SCHUMER. Mr. President, I rise to speak about two judicial nominees who were approved by this Chamber a few hours ago, both from my home State of New York. Happily, earlier today, they were confirmed by voice vote to be district judges in the Southern and Eastern Districts of New York. Both of these nominees, Magistrate Judge Kiyo Matsumoto and Paul

Gardephe, were rated unanimously ''well qualified'' by the American Bar Association, and both were unanimously reported out of the Judiciary Committee before they were confirmed today.

In New York, we have actually worked out a wonderful system for nominating judges to the district and circuit courts in which the President and I have worked extremely well together to name mainstream, consensus candidates to the Federal bench such as these two nominees.

Some of my Republican friends were here on the floor earlier making all kinds of assertions about the judicial nominations process. Undoubtedly, there has been rancor when it comes to judges from other parts of the country, but it doesn't have to be that way. When the administration works closely and cooperatively with home State Senators, as we have done in New York, things work out extremely well. Highly qualified, mainstream judges, not too far on either side, are approved—some nominated by the President and some nominated by the Senators from New York. In my State, we work well together. The results are not only mainstream consensus nominees but mainstream consensus nominees without the acrimony. Two of the consensus nominees were before us earlier today.

I am particularly pleased to support Judge Matsumoto in the Eastern District to be judge because I personally recommended her to the President. When I interviewed her, I was deeply impressed by her poise, intellect, temperament, and thoughtfulness. The sitting judges in the district speak extremely highly of her, and her record of public service and accomplishment speaks for itself. Her confirmation, moreover, is historic. She now becomes only the second Asian-American woman ever to be confirmed to the Federal bench. We hope another and another and another will come soon.

Judge Matsumoto graduated with high honors from the University of California at Berkeley and received her J.D. from Georgetown. Her distinguished career has included work in the private sector, in academia, and public service. For years, Judge Matsumoto has been a well-respected Federal magistrate judge in the Eastern District. In fact, on only one occasion has a reviewing district court judge declined to adopt Judge Matsumoto's report or recommendations. That is an extremely impressive record.

I am not only proud to support the nomination of Judge Matsumoto because of her integrity and qualifications but also because I believe she will contribute to a diversity of perspectives on the Federal bench. I have always believed that our Federal bench should reflect the same broad diversity of experience as America writ large. I have endeavored to add minorities to the benches of New York State. I am endeavoring now to add women as well because fewer than one-third of sitting judges in the Eastern District are women, and Judge Matsumoto will help narrow the gap. I have also nominated a woman to sit in the Southern District whom, hopefully, we will nominate next week, as she was approved by the Judiciary Committee unanimously.

Of course, there is an unfortunate underrepresentation of Asian Americans on the bench. With her confirmation, Judge Matsumoto becomes only the third Asian-American Federal judge outside of the Ninth Circuit and only the second ever in New York. The only other, Denny Chin, was confirmed to the Southern District bench 14 years ago.

Judge Matsumoto has received the enthusiastic support of other groups, including the National Asian Pacific American Bar Association. They call Judge Matsumoto's nomination ''a potential milestone for the Asian Pacific American community.'' I couldn't agree more.

Judge Matsumoto's father and mother, merely because they were of Japanese descent, were forcibly removed to an internment camp during World War II. Fifty years later, their daughter ascends to the Federal bench. This shows that in America, we make our mistakes, but we also have greatness. Judge Matsumoto's life and career show the greatness of those who believe in America and push our Nation to its best potential. The woman whose family was subject to the worst injustice under law, now, as a result of her own talent and hard work, has a seat of legal power to judge others with intellectual excellence and fairness. God bless America for these kinds of things that happen.

Finally, I would like to say a few words in favor of Judge Paul Gardephe, who was earlier confirmed as a judge in the Southern District of New York. Mr. Gardephe has an impressive and eclectic legal resume that includes work in both the public and private sector, work on criminal prosecution, criminal defense, civil litigation, and corporate law. He is a magna cum laude graduate of the University of Pennsylvania and Columbia Law School. He served as a law clerk to Judge Engel on the Sixth Circuit, has spent 9 years as a prosecutor in the Southern District, and worked as deputy general counsel for Time, Inc. Mr. Gardephe also worked for the inspector general in the Department of Justice, where he was involved in the review of the Department's performance in the Robert Hanssen and Aldrich Ames spying cases. Mr. Gardephe was also honored with the Thurgood Marshall Award for his work representing a death row inmate pro bono.

When I decide whether to support a nominee to the Federal bench, the most important criteria to me is this: Is the nominee an ideologue or will the nominee place the rule of law ahead of his or her own personal ideological views? I believe both of these nominees will make excellent judges who will be impartial and thoughtful guardians of the rule of law. I am pleased that my colleagues voted to confirm both of them. I heartily congratulate the nominees and their families.

I yield the floor.

Mr. BARRASSO. Mr. President, I think we all agree that balancing environmental with energy goals can be a challenge, but it is a challenge we must confront now.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it though a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere.

Discussion and debate is not enough. We need action now. One resource often overlooked is coal. Despite the recent pace in developing clean coal technologies, America cannot afford to simply give up on this challenge. Coal is an abundant, affordable, reliable, and secure energy source. It has the potential to become an even cleaner fuel.

I believe another solution to protect our environment and our economy can be found in the GEAR Act. This bill takes a new look at climate change by tapping into human potential and the American spirit to develop the technological solutions we need to address climate change.

Recently, there was a very thoughtful editorial written by Shawn Taylor which was printed in the ''Wyoming Livestock Roundup'' on July 12, 2008. Shawn is the executive director of the Wyoming Rural Electric Association. I believe he does a terrific job of summing up the feelings of Wyoming people on the need to take action balancing climate change goals while keeping bills affordable.

I ask unanimous consent to have the editorial to which I referred printed in the RECORD.

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

WAS CHICKEN LITTLE RIGHT?

(By Shawn Taylor)

Is the sky falling? In the past I would have responded to this question by saying, ''It depends on whom you ask,'' but in today's world you'll be hard pressed to find anyone involved in the energy/environmental/business/agriculture, etc. industries that would argue with Chicken Little.

Whether you agree with those who subscribe to the man-made global warming theory, or those who think the status quo is acceptable, or somewhere in between, you can find a scientist with numbers to argue your case. But I would like to try to focus on some political, physical and, economic realities.

First, pressure is mounting in Congress to do something about climate change. Both presidential candidates have stated they support a cap and trade approach to curb emissions of carbon dioxide. While political debates in Washington, D.C. may seem far away the outcome will have a direct impact on you, whether you're in the agriculture industry, a small business owner or just own a house and have to pay your utility bill.

Experts now say some areas of the country will be short of power within one or two years. Climate change is but one aspect of a looming energy crisis created by increasing demand and decreasing capacity to meet that demand.

While Wyoming's elected representatives in D.C. are sympathetic and understand these issues, many in D.C. aren't spending a lot of time on the energy supply issue. The desire to reduce greenhouse gas emissions quickly without regard to our national economy and giving short shrift to technology-driven solutions, and the growing demand for power are about to collide and form, excuse the cliché, the perfect storm.

Second, while all Americans need to start being more efficient with their energy usage, energy conservation cannot meet the nation's power needs alone. While the development of more renewable resources helps diversify and strengthen our energy supplies, they are not the silver bullet solution to climate change. We need everything we can get our hands on in the near future, just to keep the lights on, to say nothing of a long-term energy policy.

Third, to avert an energy crisis, the federal government must exercise true leadership. Without that leadership—without a sound, responsible plan—government risks not only the reliability of our electric system, but literally the ability of many Americans to be able to afford to pay their electric bill. Consumers could be paying a higher bill each month without the guarantee the lights will stay on.

Folks in Wyoming and across the country need to start a dialogue with their elected officials at every level by asking the following questions:

Balancing electricity needs and environmental goals will be difficult. How much is this effort going to increase my electric bill; what will you do to make it affordable; and in the end, will these emissions reduction goals have a global impact?

Experts say our nation's growing electricity needs will soon go well beyond what renewable energy and energy conservation and efficiency can provide. What is your plan to make sure we have the electricity we'll need in the future? What are you doing to fully fund the research required to make emissions free electric plants an affordable reality?

I encourage you to contact your representatives and senators and ask them these questions and ask they pose the same questions to their colleagues.

You don't need to be an energy expert to ask questions. You I do need to be aware you may not be able to pay your utility bill in the future, or that there might not even be a utility bill to pay! Asking questions helps find the answers to solve the problem of balancing climate change goals while keeping your electricity reliable and your bills affordable.

Right now members of Congress, as well as state elected officials, are hearing from lots of different interest groups with ideas about how to address climate change or global warming or emissions reductions, whatever you want to call it. While I write this as the Executive Director of the Wyoming Rural Electric Association, the problems we face are pretty much universal, and the one group that, to date, has been left out of the conversation is the consumer. We need a plan people can live with today while we deal with the long-term issue of balancing energy policy and environmental policy.

To make things easy there is a website to allow you, the consumer, to contact your Congressional delegation and ask them the questions mentioned above. The website *www.ourenergy.coop* was established by the National Rural Electric Cooperative Association but you don't have to be a member of a co-op to ask these questions, you just have to be concerned about the approach D.C. is taking.

Policy makers far too often don't ask questions until something goes wrong. We believe it makes sense to know the answers before the laws are passed. You can help your elected officials and yourself by having this conversation.

The PRESIDING OFFICER. The majority has 2 minutes 20 seconds remaining; therefore, the Senator from Pennsylvania is recognized.

Mr. CASEY. I know my time is limited, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will make sure my friend from Pennsylvania doesn't lose a second of his time.

The PRESIDING OFFICER. There is 1 minute 56 seconds.

Mr. REID. I ask unanimous consent that the Senator from Pennsylvania have 3 minutes.

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed so that I might file cloture on a motion to proceed to the speculation bill we tried to move on earlier and that once the motion is stated, the Senate return to morning business.

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

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 882, S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Jeff Bingaman, Byron L. Dorgan, Christopher J. Dodd, Amy Klobuchar, John F. Kerry, Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Bernard Sanders, Jack Reed, Sheldon Whitehouse, Bill Nelson, Richard Durbin, Frank R. Lautenberg, Tom Harkin, Maria Cantwell.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

(The remarks of Mr. CASEY pertaining to the introduction of S.J. Res. 44 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Alabama.

ENERGY

Mr. SESSIONS. Mr. President, I know we are moving to the bill that deals with speculation, which is designed to bring down the price of gasoline. I think there is a bubble out there of some kind in the price of gasoline, at least I hope so. If that is so, I think we could see that bubble burst or some of the steam come out of it. I think it is something we ought to encourage.

Some of my colleagues on the Republican side of the aisle, justifiably, are concerned that we are trying to pass a law that will end the right to contract, end the right to protect yourself from rising costs, and those kinds of things. I, frankly, am not that worried about it. I think there is a danger we could overregulate the futures market. I do not think, historically, we have ever attempted to do that in any fundamental sense.

It is pretty clear, if we do not have a futures market here, one will exist in some other place in the world, as they already do today. So I guess I would say, if you can come up with a good bill that does not do any real damage, that it might help reduce speculation, I would be inclined to consider it and give it a fair shake.

But I do not believe that is the problem we have today. I believe people are speculating and driving up prices from that speculation, if it is occurring—and it probably is to some small degree—because there is a shortage of the amount of oil on the world market, that the demand is greater than supply. When the price of oil on the world market was $20 a barrel—that was not too long ago—$40 a barrel, if the speculators were so powerful, why didn't they drive it up then?

What happened, according to most experts, is we are consuming about 87 billion barrels of oil a year, and we are producing about 86 billion. Supply is inelastic and demand is inelastic. So when the price goes up, people do not stop using it much.

We are beginning to see about a 3-percent reduction in the American use of gasoline, after a doubling of the price. So most people would like to use less, but between their work and their family and their just needs, they have to use automobiles in this country, and they are not able to go out and sell their pickup truck or their SUV and buy some hybrid automobile this week. It would be nice, but people cannot afford to give away those things they have invested large amounts of money in.

We have done the calculations on it, and I have concluded that based on 24,000 miles traveled by a typical two-car American family per year, the increase in gasoline prices, in 1 year, means that family is paying approximately $105 more per month—per month—than they were just 1 year ago

for the same number of gallons of gasoline.

This is after your taxes are paid, after your retirement contributions are made, after your insurance is paid, after your house payment is paid. After that, there is not that much aftertax money for the average American. They have to watch how they spend it. To have, out of the blue, in 1 year, another $105 a month out of that paycheck is something that is a real hit to them. I believe it is impacting families significantly, individuals significantly, and it is hurting our economy also. There is no doubt about it, to my way of thinking.

There are some things we can do. I wish to be frank with my colleagues. I have been disappointed in the Democratic proposals. Some weeks ago, when we first started talking about energy, the proposals that came forth had three basic criteria—three principles.

The first one had to do with taxing oil companies. Now, I am not saying we should never tax oil companies any more than they are being paid. But if our problem is a shortage of oil—and I believe fundamentally that is the situation—to tax the people who produce it is not a way to get more of it. What you tax, you get less. What you subsidize, you get more. So that certainly is not a long-term solution to the crisis we are facing today.

Another proposal that was in the package at that time was that we would sue OPEC, we would sue the oil-producing nations that collaborate together and decide they are going to constrict the world supply of oil, therefore creating shortages, therefore driving up the price of oil, and allowing them to make even more money per gallon than they were making before.

They are doing that. They are absolutely meeting to control the production of oil, with a goal to drive up the price of oil and gas on the American consumer. In one sense, as I have said for several years, when OPEC meets, they meet to decide how much to tax the American consumer. We need a systemic, long-term strategy to confront that problem politically and any other way we can do it because it is not right what has been happening.

So production in Saudi Arabia, Venezuela, Russia, and even Mexico is down. They do not have much incentive to increase their production because the price has gone from $40 a barrel on the world market to $140 a barrel—now dropping maybe 10 percent in the last few days. Thank goodness we are beginning to see a little better trend. But who knows whether it will be permanent. So by reducing their production, shortages have been created, and that has spiked the prices. I am very unhappy about that.

But I am a former U.S. attorney, Federal prosecutor, as the Presiding Officer is, and I am not aware of how it is possible for the United States of America to file a lawsuit against a sovereign nation to try to order them, I guess—what court is going to do this—to order them to produce more of the oil that is in their ground, if they do not want to produce it.

I do not think we are going to be successful on that. I think that is just talk. That is just ''flapdoodle.'' That is not going to work. But I tell you, it might be possible, frankly, let me say, that if we had to have a lawsuit of that kind, we would probably have a better chance of having it filed against the Congress. Maybe Senator REID would accept service because this Congress is keeping America from producing our own oil and gas offshore, onshore, in Alaska, and other places.

We have systematically passed laws and regulations that have prohibited the production of our own resources. Yet we are going to complain about some other country that does not produce? I think that is rather silly. I think the speculation matter—and I am open minded. I do not have an automatic rejection of a speculating bill. I would support, certainly, more investigators to see if there is fraud going on out there, and I suspect in some places there is. But, fundamentally, I am convinced from my study that the problem we are having is we are using more and more. China is using more and more. India is using more and more oil and gas.

I visited South America a couple years ago as a part of a congressional delegation. All those countries are growing at 6, 7, 8, 9 percent a year. They are using more and more oil and gas. So the world supply is not growing. In some of the biggest countries it is declining. As a result, we have a shortage here, and we need to develop some ideas to go forward.

We passed CAFE standards, on a bipartisan basis, that I think was a good piece of legislation. Several years before that was attempted—maybe 6 or so years ago—it was attempted, and some of us voted against it. I think perhaps a good case can be made that was a bad vote. Things were going along well at the time. The price of oil and gas was not too high, and we did not want to tell our consumers they had to have smaller automobiles and have more expensive automobiles that got better gas mileage.

But after the prices went up last year, a lot of us saw we had a crisis facing the country, and we have now passed a lot higher standards, which I think will help us, and we would have probably done better had we passed those standards some years before.

Likewise, I would note it was pretty clear, at that same time period, we were coming to a point where oil was going to become more valuable, we were going to have a crisis in the future, and many of us spoke—and I have spoken many times on this floor—about the need to produce from those great reserves in Alaska, the need to produce oil and gas off my coast of Alabama. Off the gulf coast, it is being produced safely. People go fishing around the oil rigs. Large amounts of oil and gas are coming out of those wells. But huge portions of our gulf and both the Atlantic and Pacific coasts are totally blocked from producing.

We have hundreds of wells in the Gulf of Mexico, some of them way out there, that are producing large amounts. They have been so much better today in knowing how to prevent spills, and we have almost no spills occurring in the last 20 or 30 years. So we need to do more of that. We have had vote after vote after vote and people have blocked it.

So I say people who have been blocking more production need to do like some of us who were not supportive of the higher efficiency standard mandates on automobiles, to begin to rethink their position. I think that is happening. I do believe a lot of Members of this body are concerned about this increase in prices. They know it is hurting American citizens. They know it is taking money out of their pocketbooks. They know it is going to many of these rich Gulf States that have so much money they don't know what to do with it. They are building skyscrapers and five-star hotels and golf courses in the desert and all kinds of incredible things with our money. Seven hundred billion dollars a year is going abroad to purchase the 60 percent of the oil we import to use in our automobiles. Over half of the oil and gas in our automobiles is imported. This is not good. This is impacting our economy negatively. All things being equal, which would you rather? Have us produce oil off our coast and keep all that money at home—Alabama gets to share a little bit of the resources. This is what happens in the gulf today: The States that approve deep gulf production get 37½ percent. We passed this 2 years ago, 3 years ago, in this Congress. Twelve-and-a-half percent goes to the Land and Water Conservation Fund, a prime environmental fund of the U.S. Government, and 50 percent goes to the U.S. Treasury.

Now, some of us have read—and I think most Americans have seen with some positive feeling—that Brazil has identified what appears to be very large reserves off the coast of Brazil. We are so happy. We are happy they are in the Atlantic. We want them to produce, because that will bring on more supplies and can help bring down the price of oil, but we have our own right off our shores. Why would we prefer to send our money to Brazil by the billions and tens of billions, hundreds of billions of dollars to purchase oil when we can be keeping it all at home, helping this economy? I have to tell you, it is not in good shape.

This drain of wealth to buy foreign oil is a negative factor in this economy today and it is hurting us in ways a lot of people don't fully realize. If you are now paying, on top of your house note that you stretched yourself to be able to pay when you bought that house as a young person and now you have to

pay another $105 for gasoline—and, in fact, according to the Cato Institute, electric bills have doubled in 5 years because of primarily increased energy costs—is that not a factor why a lot of people are not able to pay their mortgages? Well, I think it is. However, there are some who are so determined to fight fossil fuels that even though they are not able to stop the importing of oil into America that we burn in our automobiles, they have been successful in blocking America from producing its own. We do it cleaner and safer and protect the environment to a far greater degree than I would think any country in the world, except maybe the people in Europe who are doing it in the North Sea, which is a rougher, more dangerous area to produce oil than off our gulf.

I ask: How have we gotten ourselves in this predicament? When the great party—the great Democratic Party which has the majority in the Senate and a majority in the House of Representatives—is called upon to respond to a national crisis where the price of oil is surging and American pocketbooks are being drained every month, they propose the only bill we have now on the floor, which is a bill that is going to deal with speculation. I don't think that is good enough. I think it is not the fundamental values of most of our colleagues—Democratic or Republican.

I am prepared to look very hard with all of my colleagues in a bipartisan way to consider how we can produce more than just fossil fuels, more than oil and gas and coal and those things. Let's look at the biofuels. Let's look at solar. Let's look at wind. Wind is coming around. Wind is becoming more feasible today than we have seen it. The Government has a big subsidy in wind and that has encouraged the wind people to produce lots and lots of energy, but it is not the most reliable source of energy. Electricity, that is what it produces—electricity, not oil for our gasoline, for our car engines. I am prepared to consider other things.

Why have we created a system in America in which 97 percent of our automobiles burn gasoline, whereas in Europe 50 percent of the cars are diesel? We have new clean diesel technology today. Diesel engines get 35 to 40 percent better gas mileage than our gasoline engines. Can you imagine that, 35 to 40 percent better gas mileage. It is actually better. According to Popular Mechanics, it gets better gas mileage than a hybrid engine. Why don't we go back to more diesel energy and work in that way? I am seeing in my home State several facilities that are coming on line that I believe will soon prove we can take waste wood product and convert it to a liquid fuel that we can burn in our automobiles. Ethanol—or biodiesel, which is even better fuel than ethanol—and we can do it well below the world price of gasoline. I have my fingers crossed. I believe that is going to happen. I have been looking at that closely and I have supported the efforts that will promote that.

About 5 percent of the fuel we utilize in automobiles is ethanol, which comes primarily from corn. The next step is to use wood, particularly waste wood products that are left in the woods after sawn logs are cut. Wood is taken out of cities that you have to pay to landfill and it becomes a waste product. Paper, automobile tires, all of this can be converted to fuel and maybe we can get that up to 10, 12, 15 percent of our supply on biofuels.

We are also excited about the possibility of plug-in hybrid automobiles. These are automobiles that have a hybrid engine, but you plug them in at night, you charge your battery from 11 p.m. to 5 a.m. when the grid has a low demand on it, charge your battery, and be able to drive back and forth to work. The goal is 40 miles without ever using a drop of gasoline, all electricity coming out of the grid. It is clean, more cleanly produced, more friendly to the environment, and reduces our dependence on foreign oil because our electricity is all American produced.

Finally, let me not ignore what I believe has perhaps the greatest potential for America and the world environmentally and economically, and that is nuclear power. We have 104 nuclear powerplants in America today. They produce about 20 percent of all electricity. Not a single American in the 40 years we have been producing electric power has died as a result of a nuclear accident—not one. It has continued to be more and more efficient. In fact, right now the cost is as low as any source of energy we have.

I say to my colleagues, we are getting to a point now where the lines between electricity and automobile transportation are being blurred. Energy is energy. We will be able to transform electricity into a power source to turn the wheels of our vehicles and that will be a tremendous advance. If that electricity is produced at a very cost-effective rate by nuclear power that emits not one bit of CO_2 into the atmosphere, that emits no pollutants into the atmosphere—you only have this small amount of nuclear waste that I believe should be reprocessed.

Senator DOMENICI and I have offered legislation to do that, but the amount of waste that is now being produced is still very small in size. Every bit of it in the United States can be placed on one football field and not too many feet deep. It is not a problem that can't be solved, and it doesn't blow up. You have to reprocess it or put it away from people so it doesn't damage anyone or the environment.

I think we are heading in the right direction. I believe our Nation is getting its feet on the ground. I think the American people know—they know, they are not going to be fooled; they have no misconceptions—the way to contain the growth in the price of energy is to reduce our demand by conservation and increase our supply, and it will help our economy dramatically if the increase in supply is American energy, not imported energy. Those ought to be our goals. We can do that. We can reduce CO_2. We can use more biofuels. We can use more clean nuclear power. As a result, this economy can continue to function and be the envy of the world.

I note it should never, ever be a policy of our country to drive up the price of energy. Low-cost energy is a wonderful event for the world. It is one of the great things about this Nation. We have had relatively low-cost energy for many years. I was flabbergasted when one of the Presidential candidates, Senator OBAMA, said he wasn't worried so much that the price was going up, it just went up faster than people liked. That is not what I think is good policy. Our policy should be to take the steps now. Even if they take 5, 10, or 20 years to come to a reality, that will help ensure this surge in price does not continue; that we can maintain our American independence so we are not held hostage by foreign powers, this unprecedented transfer of wealth will end, and we can fight pollution and continue to clean up our environment.

Mr. President, I thank the Chair and yield the floor.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GAS PRICES

Mr. THUNE. Mr. President, America faces a great many challenges today, particularly with regard to our economy, but none greater than our dangerous dependence upon foreign oil.

I have come to the floor several times in the past few months to talk about what I call the ''terrorism tax.'' The terrorism tax is the transfer of wealth outside of this country to import billions of barrels of foreign oil. A substantial portion of American dollars spent on foreign oil goes to countries that wish to do us harm.

This year, with regard to oil prices, the terrorism tax will total $700 billion. That $700 billion could have been used to pay for health care, groceries, or alternative forms of domestic energy. That $700 billion terrorism tax is more than the annual budget of the Department of Defense and is four times the annual cost of the war in Iraq.

The record high price of gas has been hurting American families and benefitting foreign adversaries for way too long. It is now the No. 1 issue on consumers' minds, and the Senate has been debating this issue for months. However, the Senate has failed to act on reasonable provisions to address historically high energy prices.

Variable and oftentimes unpredictable forces impact cyclical gas prices. However, over the long run, increasing supply while decreasing demand will moderate, if not lower, gas prices for American consumers. The very simple equation is to produce more and to use less.

A comprehensive national energy policy that is focused on finding more energy while using less will put us on the path toward affordable and reliable energy.

Recently, the President made a historic announcement that he ended the Executive moratorium on Outer Continental Shelf energy exploration. Congress cannot wait another day to follow suit by lifting the congressional moratorium as well. This outdated moratorium is blocking access to offer 18 billion gallons of proven reserves in the Outer Continental Shelf. In addition to the proven reserves, an estimated 86 billion gallons of undiscovered reserves exist off of our shores, 85 percent of which is still off limits. Congress should give coastal States the right to explore for oil and natural gas more than 50 miles off their shores.

Another promising area for domestic production is the development of oil and natural gas in section 10–02 of the Alaska Wilderness Wildlife Refuge. Congress authorized production in this remote area of Alaska's North Slope over 12 years ago. If it hadn't been vetoed by the Clinton administration, the United States would have an additional 1 million barrels of domestic production each and every day. One of the objections that gets raised by those who oppose exploration on the North Slope of Alaska is something that has been used for a long time: It would take 5 or 10 years to bring that energy on line. That is an old and tired argument. Evidence of that is when it becomes the punchline on the Jay Leno show. Jay Leno himself, in a monolog, has made that very same observation—that the argument being used today by our political leaders to avoid having to deal with this issue of developing some of our domestic resources is that it would take 5 or 10 years to develop. That is the very same argument that was made by political leaders over a decade ago.

It is important that we get past that argument, that we deal with the issue of our dangerous dependence upon foreign countries for our energy supply, and that we do so by developing the resources we have here at home, including the 6 to 16 billion barrels we know exist on the North Slope of Alaska.

In addition to the traditional sources of oil and gas, unconventional sources of oil are an important solution to our energy crisis as well. Coal to liquids and oil shale in Western States and oil sands in Canada are abundant supplies of fuel and should be fully developed to meet our growing energy needs. Unfortunately, Congress is once again standing in the way of domestic energy production.

The United States has an estimated 2 trillion barrels of oil shale in Western States—more than three times the reserves of Saudi Arabia. Unbelievably, politicians here in Washington are keeping this resource off limits.

As we continue to debate this issue, American energy companies stand ready to invest billions of dollars to make oil shale production economical and environmentally sound. This investment remains stifled since Congress is prohibiting the rules for such production from moving forward.

In addition to oil and natural gas, the Federal Government needs to stand by its commitment to renewable energy.

According to Merrill Lynch:

> Biofuels are making up a huge portion of oil supply growth.
>
> Biofuels are now the single largest contributor to world oil supply growth.

As biofuel production increases, our infrastructure to transport and use this fuel must increase as well. Congress has to break the monopoly of oil on the U.S. economy by investing in renewable fuel dedicated pipelines, biofuel refueling stations, and by requiring the production of flex fuel vehicles. Approximately 7 million flex fuel vehicles are on the road today. This is significant progress from a few years ago, and American automakers deserve to be applauded for their dedication to biofuels. However, millions of vehicles are still being produced and purchased without the flex fuel option.

That means the vast majority of Americans have no choice but to pull up to the pump and fill up on traditional gasoline at whatever price the oil company wishes to charge. In this sense, there is virtually no competition in our transportation fuel marketplace.

Congress should also continue to promote the use of hybrid vehicles and create incentives for plug-in electric hybrids, which will lessen the use of gasoline and diesel fuel.

Finally, we should enact moderate reforms and reasonable reforms to limit excessive speculation. Noncommercial investors are playing a historically high role in all commodities, including oil futures. Many analysts say this is adding a premium to the price of oil, which does not reflect the fundamentals of supply and demand. Congress needs to take commonsense steps to limit excessive speculation, without overreacting. Any overreaction will simply move trading overseas to markets with less transparency and oversight.

It is important to note that regulation alone is not going to bring down the price of gas. We need a comprehensive plan that includes all promising solutions to our energy crisis.

I want to make one observation, as well, regarding this issue of speculation, because I know a bill has been filed, and cloture was filed on a motion to proceed to legislation that would be a speculation response, or answer, to the energy crisis in this country. Frankly, I may vote for it. I haven't seen all of the details of it. I understand from people who are close to it that a lot of it is good—about 80 percent, and 20 percent might be things I won't like. I might be willing to vote for something like that, but it cannot be that alone. That is a minimalist solution and we don't have a minimalist problem. This is a problem that demands a major and comprehensive solution and attention from the Congress that includes not only addressing that issue—the narrow issue of speculation—but also the important issue of domestic production, increasing our supply, increasing the production of energy in this country, and also looking at ways to reduce our demand.

With regard to the issue of speculation, I want to read from an op ed in the Wall Street Journal by Martin Feldstein, back on July 1. This is what it says:

> Now here is the good news. Any policy that causes the unexpected future oil price to fall can cause the current price to fall, or to rise less than it would otherwise do. In other words, it is possible to bring down today's price of oil with policies that will have their physical impact on oil demands or supply only in the future. For example, increases in government subsidies to develop technology that will make future cars more efficient, or tighter standards that gradually improve the gas mileage of the stock of cars would lower the future demand for oil and therefore the price of oil today.
>
> Similarly, increasing the expected future supply of oil would also reduce today's price. That fall in the current price would induce an immediate rise in oil consumption that would be matched by an increase in supply from the OPEC producers and others with some current excess capacity or available inventories. Any steps that can be taken now to increase the future supply of oil, or reduce the future demands for oil in the U.S., or elsewhere, can therefore lead both to lower prices and increased consumption today.

The best thing we can be doing for American consumers is not a narrow minimalist response to the narrow issue of speculation but one that addresses the fundamental issue of supply and demand, because that drives marketplace prices. I believe if the world market believes we in the Congress are serious about addressing that issue—the fundamental issue of supply and demand—it will be reflected in those future prices. That isn't to say we should not have a solution that addresses the issue of speculation as well.

I am for a number of ideas being proposed. I think we need to have more cops on the beat. We need to authorize increased funding and staff for the CFTC, and I think we need to require the CFTC to gather information on index traders and swap dealers, to codify position limits and transparency for foreign boards of trade. Those are reforms that I think are important to address in any comprehensive energy bill.

But you cannot address the narrow issue of speculation and expect to impact, in the long term, the dangerous dependence we have on foreign sources of energy. We could address the issue of speculation, but what does that do to affect the basic fact that every single day we get 60 percent of our oil from outside the United States? We use 20 million barrels a day in the United States, or about 24 percent of the world demand, and about 12 million barrels of that, or 60 percent, comes from outside of the United States. That is not a sustainable place to be for a country that is worried about the impact high gas prices are having on its economy, and the impact it could have on our economy in the future if we don't address that dependence upon foreign energy.

We have to have production, and I think the American people get this. I think the American people are interested in this issue of speculation. I think they believe there is a role that plays in the price of oil and the price of a gallon of gasoline. I also think they understand we cannot solve the problem we have in this country absent addressing the issue of domestic production.

Increasing our domestic supply, reducing domestic demand—that is how we go about solving, in the long term, an issue or addressing a problem I think will affect the economy for years to come and make future generations of Americans continue to be held over a barrel by countries around the world that are hostile to the United States.

We cannot address the issue of energy by this bill alone. As I said, I am open to supporting and voting for the bill that is going to be introduced that addresses speculation, but that cannot be it. If that is all we do, we have done very little to address the long-term problem we have, and that problem is that we get 60 percent of our energy from outside the United States. You cannot say no to domestic production. You cannot say no to offshore production. You cannot say no to oil shale. You cannot say no to coal to liquids. You cannot say no to nuclear or to new refineries. You cannot say no to all those things that would help increase our domestic supply and affect that calculation, that basic equation of supply and demand, which is absolutely disastrous for the economy of this country.

I have traveled my State, as most Members of Congress do, on a regular basis. I had a number of meetings over the Fourth of July break where I met with people who are impacted by energy. I met this morning with corn growers who are in town, and also with agriculture and the tourism industry—all of those types of small business interests, people who are impacted, and families who are impacted by the high cost of gasoline. In my view, there is probably no bigger issue in the short term, and no bigger issue in the long term, that impacts the American economy and that could do more harm to that economy than this issue of high gas prices and the dangerous dependence we have on foreign sources of energy. We cannot solve it by saying no. We have to say yes to additional domestic production, yes to conservation measures that will use less energy, yes to renewables and biofuels, and yes to addressing this issue of speculation.

We need a comprehensive approach, not a rifle shot that deals with one aspect of it but doesn't solve the fundamental problem we have, and that is the fact that in every single State we pay a terrorism tax to countries outside the United States.

There is $700 billion of wealth this year that we will shift outside of the United States and pay to other countries around the world—in many ways, petro-dictators—a ''terrorism tax,'' because we have to get energy from them. They set the price and we pay it.

Until we change that fundamental calculation and dynamic, we are going to continue to see high gas prices and high oil prices. And that is not something this economy can withstand. It is certainly not fair to the American people for us to sit by and not take serious, meaningful action.

When the markets recognize we are serious, I believe we will see relief for the American people on the price of a gallon of gasoline and the price for a barrel of oil. That is why we need a comprehensive solution.

When this debate gets joined in the next week and following week, I am going to do everything I can to see that it is not addressing just one narrow issue but addresses this issue of production, addresses the issue of demand. That is the only way, in my view, that we will solve this problem.

I look forward to that debate. I hope we have opportunities to offer amendments. I hope it is not going to be one of those deals where the tree gets filled and we do not have a chance to vote on meaningful solutions to our energy crisis. The Senate needs to be heard. All of us need to have an opportunity to offer amendments and have them voted on, and I hope the process will allow for that.

I yield back the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I have also come to the floor to speak about the direction I believe our country needs to move to lower gas prices and decrease our dangerous dependency on oil from places in this world that do not share our values and are not friendly, safe places to operate.

I wish to associate myself with the remarks of my colleague, the good Senator from South Dakota. I have been very pleased to work with him in a group of five Democrats and five Republicans. We hope to expand our group as there is more interest in trying to find a centrist approach, a commonsense center core that can move us away from saying no to saying yes in a smart way, yes to more production—not everywhere but in certain places where we believe there are reserves of oil and gas that our country most certainly needs, in a safe environmental way that can protect our coasts.

I know that issue is very sensitive to you, Mr. President. You have spoken eloquently about that on the floor, and you have made some excellent points, as other Senators. I know the Senator from New Jersey was here earlier today, and there have been Senators from different coastal communities.

I am not insensitive to the needs of coastal communities. I represent one myself. We might not have the beaches that Florida, Alabama, Mississippi, and New Jersey have, but we do have very special coastal areas that we also want to keep clean and pristine because of our fishing, because of our boating, and because of our other recreational sports that involve more than just sitting or playing on a beach. We do a lot of water activity, and we need that water to be clean and pristine. So we are not unaware of those challenges.

My colleague who just spoke is absolutely correct. Not only he but others have talked about the importance of saying yes, and this morning in a bipartisan energy summit conducted by the Democratic chairman, Chairman BINGAMAN, and the ranking member, Ranking Member DOMENICI, Daniel Yergin, who is the chairman of the Cambridge Energy Research Association, had a great deal of wisdom to share with us. I think, Mr. President, you were at that hearing. There were many good, insightful comments made. Statements were made this morning that could help guide us to a more secure approach.

One that stuck with me—I am going to paraphrase it because I don't have his quote. He said something along the lines of it has taken us 20 years to get into this tight oil market, and it is going to take us some time to get out, but there is a way out. He said it is imperative that we increase our supply of oil in the world, and particularly for the United States since we are consuming so much of it, and there are many places that production can be found and improved.

He went on to say: We have made some real progress in conservation, but, of course, we have to do more.

Again, we have been saying no for 20 years—no to this refinery, no to producing here, lawsuit after lawsuit, actions that shut down production. We must begin to say yes. Twenty years of saying no, and I am not leaving this, of course, at the doorstep of only Democrats, which is what some of our friends on the other side want, to blame just the Democrats. The Republicans have been in charge of this Congress for the majority of those years. Now they are claiming they were the ones saying yes all along. No, it was their Congresses that were saying no.

But this is not about blaming Democrats or Republicans. This is about

starting all of us to say, yes, we can; yes, we can get prices down; yes, we can make America more energy independent.

I would like to correct something I said the other day that is not true, and I am very sorry because I was not clear, but I am clear now.

I came to the Senate floor with this chart and said that all of these light blue places represented moratoria areas. While it is true for the lower 48, all of this entire west coast is off production, the eastern Gulf of Mexico under Alabama and next to Florida is off production, for the most part, with very few exceptions, with wells here. All of this area on the east coast is off limits to production.

I also said Alaska was off limits to production, and that is not true. This was changed very recently, and Alaska has now opened up, not ANWR, which is this little tiny point which is so hard to see on this map, but the rest of Alaska has opened up. I am going to show another chart that describes it a bit better.

This is a more accurate chart, and it is up to date. Again, I apologize, but that was an old chart. This is all off limits. Everything on the west coast is off limits and has been for decades. All of this area on the east coast, except for this blue diamond, is off limits by executive and congressional moratoria. The President has lifted his moratoria. He has lifted the executive moratoria, but the congressional moratoria still remain.

The place that has been the most open—and we are very proud of this in Louisiana and Texas—is the gulf. This is the western gulf, this is the central gulf, and this is the eastern gulf. The reason the eastern gulf is a different color than the rest of the chart is because this moratoria was extended actually under an agreement that was made on the Senate floor—and I was part of that action—to extend this moratoria longer than the moratoria on the east and west coasts.

The west and east coast moratoria are year-to-year moratoria. They are done in the Interior bill, and they have been routinely passed year to year. The eastern gulf moratoria is in law, and it extends until 2022.

Alaska is now basically opened, these blue sections. It is going to be very hard for people to realize this because it is really shocking to me, and I look at this all the time, but this dot approximately right here, this little dot right here is ANWR. This dot is what we fight over really, let me say—we fight over this little dot. Here is a whole State with lots of opportunities, and yet every discussion for the last 20 years has been about this little dot.

I know that little dot has a lot of oil and gas in it, and I voted to open it. But I am to the point now where we have to stop talking about ANWR and start thinking about other places in and around ANWR—with the help of our Senators from Alaska, who are very knowledgeable and very good on this issue, Senator TED STEVENS and Senator LISA MURKOWSKI—where we can get oil and gas in places that are not so remote where the infrastructure exists to move this gas from Alaska, which sits up north, to the lower 48, either by pipeline or by tanker to get oil safely to us.

There are benefits to drilling in Alaska. There are not many people there to aggravate. There are only 500,000, and people in Alaska, like people in Louisiana, want to have oil and gas drilling. They believe in using their natural resources, whether it is oil and gas or trees. We believe in actually cutting a lot of our trees because they grow back. We don't believe in cutting old, primitive forests and special places, but we actually believe that cutting trees and growing them back helps provide the good products we need, and we know how to manage our forests.

Alaska is a lot like Louisiana. We could find oil and gas here. And there is a lot of it. The problem is the transportation and the infrastructure, and there are some risks associated with moving oil through tankers. There is always a risk associated with long pipelines. We have that same infrastructure in the gulf where we have pipelines coming up from Louisiana.

I would like to show what some of this infrastructure actually looks like so people get an understanding when we talk about opening areas to drill. This is the kind of infrastructure that it takes to actually get it done.

This is a picture of the Gulf of Mexico. This is the tip of Louisiana and the coast of Texas and Mississippi. This is Mobile Bay, and this is the Florida panhandle, and it goes down. This pipeline, as the Presiding Officer knows, is a pipeline that is laid under the gulf to move gas to Florida from Mobile Bay because the eastern gulf is closed right now to production. But yet Florida has great need for gas, and the good people of Alabama send it to the people of Florida. There was a lot of controversy about this pipeline. There were people in Alabama, even Members of Congress, who said: Why send the gas to Florida? Let them drill their own gas. That is not part of this debate today, but it is a good question. There are answers to it. It is an interesting discussion.

These are pipelines, every one end is a rig or at least a well. These platforms are large. They are very deep. They are almost like skyscrapers out in the gulf. You cannot see them from the shore. This is invisible to the naked eye. You don't really see this. If you are in a boat, plane, or swimming, it is all subsea.

This is a picture of the network of pipelines required to move millions of barrels of oil from the ocean to people. If you took a snapshot onshore of where there is production in Wyoming or Utah or Colorado or New Mexico, you would see much the same thing—a maze of pipelines and wells—because it takes more than waving a magic wand for the oil to jump out of the ground and into people's tanks. There are a lot of steps that have to go into it.

So part of opening the OCS and opening more onshore is you want to open it in places that it is likely for the industry to reach and to have people—because even though robots are doing a lot of this work, we need people to show up on the rigs to build the platforms. That is why I fought so hard for money to come from these activities. When people tell me and some of my colleagues say, But, Senator, this resource belongs to the United States of America; why should Louisiana share any of these resources, I say, because Louisiana is the platform for oil and gas production, just like Texas. And with all due respect to the United States of America, the United States could not access these resources if we did not allow these resources to be accessed and then brought through our shores for distribution.

There is the distribution pipeline. It doesn't just affect Louisiana, it affects the entire country. I am going to show you the gas distribution system. This is not an oil distribution system, this is gas. All of the manufacturers in the Midwest and on the east coast need natural gas. There are very few places they can get it. They get it basically from the Gulf of Mexico. This is the trunk, in real terms, of how much gas there is. It says 6.4 billion cubic feet from the Gulf of Mexico production. The other big trunk comes from Alaska, and there is potential gas in Canada. This comes from Alaska. Basically, that is it. This is where the gas comes from.

So when prices of natural gas are high, it is because there is only a limited source in America, and we are not opening gas reserves where there might be more here, there might be some more here, and obviously there are more in Alaska. So that is just an example. But as you can see, the production in the Gulf of Mexico doesn't just benefit the people in Louisiana and Mississippi. Without it, you couldn't keep lights on in this Chamber or in New York or Chicago and other places that are very important.

I wanted to clarify that most of the OCS is off limits. Most of the OCS is off limits, and while you see lots of posters and pictures, and everybody is trying to move the numbers to justify their position, the fact is that in the lower 48—not counting Alaska, Alaska is not on here—less than 19 percent of the OCS is open to development, less than 19 percent. All of this is off limits, this is off limits, and this is off limits. The only area we can drill is here.

I would like to read this number here: It is 33 billion barrels of oil here on this side of the gulf. When people say there is no more oil in America, it is because we are not looking for it. There is plenty of oil onshore and offshore, not counting the oil we could actually get from coal—coal-to-liquids technology, clean—and not counting

the oil we could potentially get from shale, which is boiling the rock into a liquid and producing the oil, which could be billions of barrels.

I agree with Senator SALAZAR that the technology is not quite there yet, and maybe it is going to be too much of a drain on the water supply in the West. Perhaps it might be a very serious environmental problem. But we don't know. I think we should find out. That is my point. We don't know, but we need to find out because one day we may need to boil that rock, and if we need to, we need to figure out how to do it.

There is plenty of oil here. But when people say ''the science,'' trust me, if there is a scientist in America who wants to come anywhere around Washington to say there is no oil because they have explored it, I will debate them until my last breath, because we have not looked. There has been some seismic—not a lot of seismic—and the technology is so improved now that we can be much more certain of where oil and gas is. Just to say there are 33 billion barrels of oil here and then to jump to the conclusion that there is no oil here, that there has to be no oil here and no oil here, is really defying common sense.

I will end with this, Mr. President. Do we need to do more than produce? Yes, we do. Just increasing production is not the answer, but it is a step that must be taken. We are too great a nation to, every time prices hit $5, send a little piddling letter over to countries such as Saudi Arabia begging and pleading, as if we are some second-rate power, asking them to increase their oil production when we won't increase it at home. It is not right. We must increase our production, and we can do it safely.

I know there are others who wish to speak, so I will wrap up in just a moment.

We need to also—and this is where my friends on the other side of the aisle have not been very good in their own right. They have not been for mandates pushing conservation, and we must start driving a different kind of automobile, and not just expanding mileage from 20 miles per gallon to 27 miles, but CAFE standards reflecting efficiencies from 25 miles per gallon to 27 or 35.

We need to move to a different kind of automobile because it is the fuel demand, it is the gap between the 20 million barrels we use every day and the 8 million we produce. There is a 12 million-barrel-a-day gap. If we could close 6 million of that by more production domestically and close the other 6 million by conservation, America would have no more problem, the price would come down, and we would be free and happy—a powerful, free people again. And we have to get that way.

We once dominated in this industry. That is how we won World War II. We would not have won without our domination in the energy industry. We have to dominate again, and we can do it through conservation and production.

I hope our leaders, both the Democratic leader and the Republican leader, understand that there is a group of us who don't want to go home until this is done and that we are going to do everything we can because I don't believe we should be drifting out of this Capitol anytime soon until we have given a clear and unmistakable signal to the American public that we hear them and that we understand the economic strain.

Our economic model was not built for $5 gasoline, and we cannot sustain it. That is what we were told, and not by the Republican policy people or the Democratic policy people but by two of the brightest minds on this subject. They said the U.S. model cannot sustain this high price for long. It will cause and has caused serious economic disruption. It must be corrected.

So I hope, Mr. President, that we most certainly do this. I am open to things that perhaps I wouldn't have considered in the past, and I hope my colleagues will have that same open mind. If so, we can perhaps get some extraordinary things done.

Either tomorrow or next week, I am going to come back and talk about the myth of oil spills because the signs I see on this floor about oil spilling in the gulf—I want to continue to remind people that less than 1 percent of the oil in the ocean is caused from drilling in the ocean. The majority of it is natural seepage, and I am going to have some information that will show that. The people of Louisiana, Texas, and Mississippi are very proud of this industry that we have helped to birth not just for our country but for the world, and we are determined to help people understand that it can be done in a clean and environmentally sensitive manner.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

LIHEAP

Mr. SANDERS. Mr. President, I understand that there are a lot of differences in this body on the issue of speculation, which presumably is going to come up next week, on the issue of the role of the large oil companies and the enormous profits they are making, and there are differences of opinion about how fast and how aggressively we should go to sustainable energy and energy efficiency. But in one area, it appears to me there is less and less of a difference of opinion, and that is that more and more Members of the Senate understand that we are facing—right now, this summer, and in this coming winter—an energy crisis in terms of people going cold and perhaps freezing or dying from heat exhaustion this summer.

I am very proud to say that we have had tripartisan support for a very substantial increase in the LIHEAP legislation bill I have offered; that is, S. 3186, the Warm in Winter and Cool in Summer Act. That bill now has 47 cosponsors—34 Democrats, 11 Republicans, and 2 independents. At a time when more and more Americans are concerned about the partisanship here in Congress, I am happy to say that this bill has very strong tripartisan support.

I wish to thank the 34 Democrats who are cosponsors, including Senator OBAMA, Majority Leader REID, and Senators DURBIN, MURRAY, LANDRIEU, LEAHY, CLINTON, CANTWELL, JACK REED, KERRY, KENNEDY, SCHUMER, LEVIN, CARDIN, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, LAUTENBERG, STABENOW, BILL NELSON, BAUCUS, SALAZAR, WYDEN, WHITEHOUSE, ROCKEFELLER, DODD, TESTER, MIKULSKI, BIDEN, KOHL, DORGAN, and MCCASKILL. I thank all those Democrats for their support, and the 11 Republican cosponsors we have, including Senators SNOWE, STEVENS, COLEMAN, SMITH, SUNUNU, COLLINS, MURKOWSKI, GREGG, LUGAR, BOND, and DOLE. I also thank the Independent, Senator LIEBERMAN, for joining me as a cosponsor. Both Independents are on that bill.

Let me also thank Majority Leader REID for completing the rule XIV process and putting this bill directly on the calendar. Senator REID understands, as I think most of us do, that this bill has very strong support. For the health and well-being of many millions of people, whether in the Northeast or in the South, it is absolutely imperative that we pass this legislation as soon as possible.

In that regard, I want to express disappointment that just this morning, my Republican friend, Senator CORNYN, objected to a UC for passage of this bill and then objected to putting this bill on the floor and even giving us the opportunity to vote on it today. I hope my Republican friends and the Republican leadership reconsider this action because the truth is, there is a lot of support on the Republican side for increasing LIHEAP. I think it is imperative that we work together and we work as quickly as possible and we take a very strong load of anxiety off the shoulders of people from all over this country by passing this bill and getting a similar bill passed in the House.

This tripartisan bill would nearly double the funding for LIHEAP in fiscal year 2008, taking it from $2.57 billion to $5.1 billion. That is a total increase of over $2.5 billion. This, in fact, is the amount at which LIHEAP is authorized. We should make no mistake about it, the issue we are dealing with is a life-and-death issue. It is life and death today, and it will be life and death next winter.

I would like to report a statistic that is not widely known. When CNN gets its cameras out, they go to the tornadoes and the floods and the forest fires, and that is appropriate. Those are terrible tragedies we are all concerned

about. The truth is that more people in this country have died from the extreme heat and hypothermia since 1998 than all natural disasters combined. That is an interesting point, and you probably didn't know that. I didn't know that. But that is the case. And that includes floods, fires, hurricanes, earthquakes, and tornadoes.

The ''problem'' is what happens when maybe an old person in Florida can't afford electricity and has her air-conditioning turned off. She will die. Or a person with an illness in the State of Vermont, when the weather gets 20 below zero and he doesn't have the money to heat his home, he will die as well. And people die one at a time, not in great CNN-type disasters, but the reality is that more people die from extreme heat and extreme cold than they do from other types of emergencies. In Vermont and throughout New England, people are extremely worried that they will not have enough money to afford the price of heating oil next winter. A newspaper in my State of Vermont, the Stowe Reporter, recently editorialized that the lack of affordable heating oil could turn into New England's version of Hurricane Katrina next winter. We cannot allow that to happen.

The problem is not just in the Northeast. The point I have to reiterate over and over, this is not just a cold weather problem for my State of Vermont and New England. This is a hot weather problem as well. It is not just a cold weather issue, it is a hot weather issue as well.

Over the past decade, more than 400 people died of heat exposure in Arizona. Let me repeat that. Over the past decade, more than 400 people died of heat exposure in Arizona, including 31 in July of 2005 alone, 31 people in 2005 in Arizona. All of these deaths could have been prevented if these people had air-conditioning.

Without increased support from the Federal Government, Arizona will be out of LIHEAP funding before the end of this month. But if this bill passes, Arizona will see an infusion of $24 million in LIHEAP funding, triple what they currently receive.

Let me quote a letter I received from the mayor of Phoenix, AZ. His name is Phil Gordon. I thank Mayor Gordon for sending me this letter. He is strongly supportive of this legislation. This is what the mayor of Phoenix, AZ, Phil Gordon, writes:

> I am writing to express my support for the Warm in Winter and Cool in Summer Act. Currently Arizona can only provide assistance to 6 percent of eligible LIHEAP households. . . . To make matters worse, Phoenix continues to experience extreme heat. In the past month alone, we have had 15 days with temperatures at or above 110 degrees. This extreme heat is especially hard on the very young, the elderly and disabled who are on fixed incomes and can no longer afford to cool their homes. . . . Arizona Public Service reported that there was a 36 percent increase in the number of households having difficulty in paying utility bills and an increase of 11,000 families being disconnected compared to a year ago. Rising energy and housing costs are placing enormous strains on low-income households across Arizona.

What Mayor Gordon of Phoenix is talking about is taking place all over this country. We are in the middle of a recession. People are losing their work. Wages are going down. The price of fuel in general is going up. That includes electricity. If you are dependent on electricity for air-conditioning, and your electricity gets shut off and you are old and you are sick, you have a serious problem. That is what this legislation is going to address.

In my State of Vermont and throughout New England and the Northeast, people are extremely worried that they will not have enough money to afford the price of heating oil next winter.

A newspaper in my State of Vermont, the Stowe Reporter, recently editorialized that the lack of affordable heating oil could turn into New England's version of Hurricane Katrina next winter. We cannot allow that to happen.

According to the Centers for Disease Control, over 1,000 Americans from across the country died from hypothermia in their own homes from 1999 to 2002, the latest figures we have available. In other words, they froze to death because they could not afford to heat their homes. How many of these deaths were preventable? All of them, according to the CDC. We will probably not know for several years how many Americans died last winter because they could not afford to heat their homes—but one death is too many.

And, I want all of my colleagues to understand. This home energy crisis that we are in extends far beyond New England and the Northeast. Today, people in the South and Southwest are struggling to pay for the skyrocketing price of electricity, which has tripled in some parts of the country.

The result is that essential utility services are being cut-off because they cannot afford to pay their bills. What that means is that elderly, frail and sick people trying to stay alive in 110 degree temperatures face a major health crisis if their electricity is shut off.

In other words, whether you are living in the north or the south or the east or the west, our country is facing a national emergency and it is about time that the President of the United States and the Congress treated it as such.

And, while energy prices are soaring, LIHEAP funding is 23 percent less than it was just 2 years ago, completely eviscerating the purchasing power of this extremely important program. In fact, after adjusting for inflation, the Federal Government spent more money on LIHEAP 20 years ago than it is spending today.

To demonstrate how important LIHEAP is right now for southern States dealing with a major heat wave, I want to give you just a few examples of what I am referring to.

Over the past decade, more than 400 people died of heat exposure in Arizona, including 31 in July of 2005 alone. All of these deaths could have been prevented if these people had air conditioning. Without increased support from the Federal Government, Arizona will be out of LIHEAP funding before the end of this month. But, if this bill passes, Arizona will receive an infusion of over $24 million in LIHEAP funding—triple what they currently receive—to keep their residents cool this summer.

Due to a lack of LIHEAP funding, the State of Texas only provides air conditioning assistance to about 4 percent of those who qualify. Recently, I received a letter from Shawnee Bayer from the Community Action Committee in Victoria, TX. In her letter, Ms. Bayer writes:

> The temperatures in our area have been 100 to 110 degrees for 16 consecutive days. I fear it is going to be very tragic at the current pace we are going with so little LIHEAP funding available. . . . There are so many who need our assistance, like the elderly lady in her 80s who recently almost died due to kidney failure; now she doesn't want to use her air conditioner because she is afraid she won't be able to pay the bill. . . . She just called me last Thursday and has pneumonia; she could hardly talk. . . . Last year she was placed in the hospital in the ICU due to a heat stroke as a result of using only a fan, not the air conditioner. I see children every day who have not eaten because the parents, grandparents and in some cases great grandparents are just trying to keep the electricity on . . . . the electric bills in our area have tripled.

That is in Victoria, TX. In addition, I also received an e-mail from DeAndra Baker from the Community Action Agency in Giddings, TX, who said:

> We have a gentleman who is 78 years old and on a fixed income of $770.00 a month. . . . Due to the extremely high temperatures he is unable to afford to keep his home cool. His doctor provided a statement that he must have his air conditioner turned on at a minimum of 80 degrees to avoid congestive heart failure and he is not even able to afford that much. Sadly, he will not continue to run his A/C or fans and will be at serious risk unless LIHEAP funding is increased soon.

That is what is going on in the State of Texas. If this bill is signed into law, Texas will receive over $47 million to help keep their residents cool this summer. But it is not just Texas.

Without additional support from the Federal Government, the State of Georgia will not be able to offer any LIHEAP assistance whatsoever to its residents this summer. Currently, Georgia has a waiting list of 28,000 people hoping to receive some relief from the hot weather this summer. To demonstrate the desperate need for more LIHEAP funding, let me tell you about an e-mail my office received from the executive director of the Community Action Agency in Gainesville, GA, Janice Riley. According to Ms. Riley, their agency has been out of LIHEAP funding since last December. She was particularly distressed about two families in Georgia who she could not help because of a lack of LIHEAP funding. This is what she had to say:

> One family that came in after we ran out of LIHEAP funds was the Jones family. . . .

Mr. Jones, came to our office requesting assistance with his electric bill. He has a wife and five children. . . . They got behind with all their bills when he was injured on the job six months ago. . . . Their daughter is paralyzed from the neck down from a fall she had at six months of age. I wish we could help them. Another participant that did not receive LIHEAP funds and is now facing disconnection or homelessness is Ms. O'Brien, a 33 year old, single parent with 5 children between the ages of 7–16, and a newborn grandchild which she has taken in. . . . Her power was turned off last week because she was unable to pay it. . . . Her need for assistance is based on the high costs of living, not from her lack of work ethic and heroic efforts to maintain her household.

That is what is going on in the State of Georgia. If this bill is signed into law, the State of Georgia would receive over $70 million to make sure their residents stay cool this summer.

In addition, unless S. 3186 is signed into law soon, the State of Kentucky will not be able to keep any of their residents cool this summer through the LIHEAP program. According to the executive director of the Community Action Agency in Kentucky, Kip Bowmar:

February of 2008 marked the first time in the program's history that all 120 Counties in Kentucky ran out of LIHEAP funds, forcing us to close our doors as fuel prices were soaring and people needed help.

If S. 3186 is signed into law, the State of Kentucky will receive nearly $35 million to keep their residents cool this summer and warm in the winter.

In Florida, Hilda Frazier, the State director of the LIHEAP program, has estimated that they will serve 26,000 fewer households this year because of the reduction of available LIHEAP funding and the rising cost of energy. According to Ms. Frazier, thousands of families in Florida are being turned away from LIHEAP offices each and every month because they do not have any money. Of the 2 million LIHEAP eligible households in Florida, they will be able to assist fewer than 4 percent of them.

The State of Arkansas is also rapidly running out of LIHEAP funding. The LlHEAP coordinator in Benton, AR, recently had to deny assistance to over 430 families there because they had no money. If this bill is signed into law, Arkansas would receive nearly $26 million to help keep their residents cool this summer.

Moving on to California, Joan Graham, The deputy director of the Community Action Agency in Sacramento, CA, recently wrote that:

Every day, we are turning away at least 50 families who qualify for LIHEAP because we lack resources. Energy bills have increased 30% over last year, yet our funding has not increased. In 2006, there were 29 heat-related deaths in Sacramento County. One senior who passed away due to extreme heat was afraid to turn on his air conditioner because he knew he would be unable to pay the electric bill. We know there are more like him out there at present.

If this bill is signed into law, California will receive over $100 million to keep their residents cool this summer and warm next winter.

Why is LIHEAP so important in the south in the summertime?

According to the Centers for Disease Control, the annual mortality rate from extreme heat in the U.S. has exceeded the death tolls of floods, tornadoes, and hurricanes combined since 1998. Meanwhile, fewer resources have been allocated to heat-related problems than to other extreme weather events.

In other words, while more people in this country are dying from heat exposure than any other natural disaster in this country combined; the Federal Government spends less money preventing these deaths from occurring than any other natural disaster we face.

From 1999–2003, over 3,400 deaths in this country were due to excessive heat. All of these deaths were preventable and air conditioning is the best way to prevent these deaths, according to the CDC.

How many more heat-related deaths will occur in this country if we do not increase LIHEAP? We cannot wait to find out.

My heart goes out to the people of Iowa and other areas in the Midwest that have been devastated by the recent flooding. I supported the additional Federal resources that were included in the supplemental to help them through this difficult time.

But, let us not forget about senior citizens who will die of heat exposure if we don't help them out this summer. And, let's not wait until it's too late to provide the assistance needed to keep Americans warm in the north this winter.

In addition to these facts, tens of thousands of Americans have had their utility and natural gas services shut off this year and millions more are in danger of having these services shut off because they are at least 1 month late in paying their bills.

Increasing LIHEAP funding will allow these Americans to turn their electricity and other essential utility services back on right now so that they can cool their homes this summer and heat their homes next winter.

According to the National Energy Assistance Directors' Association, a record-breaking 15.6 million American families or nearly 15 percent of all households, are at least 30 days overdue in paying their utility bills.

USA Today recently reported that "Electricity and natural gas shutoffs are up at least 15 percent in several states compared with last year. Totals for some utilities have more than doubled."

The article then goes on to give the following examples:

In Pennsylvania, PPL Electric Utilities disconnected 7,054 customers through April this year, up 168 percent over the same 2007 period.

Duke Energy in North Carolina is averaging about 11,000 shutoffs a month, 14 percent above last year.

Disconnects are up 27 percent for Peoples Gas in Chicago, 14 percent for Southern California Edison and 56 percent for Detroit Edison. In Michigan, where home foreclosures are soaring and the unemployment rate is the USA's highest, more than one in five Detroit Edison customers were behind in their electric bills in May.

"Some help is available," USA Today goes on to report. "The Low-Income Home Energy Assistance Program (LIHEAP) is providing $2.5 billion in fiscal 2008, but funds are depleted."

Due to insufficient funding, the average LIHEAP grant only pays for 18 percent of the total cost of heating a home with heating oil; 21 percent of residential propane costs; 41 percent of natural gas costs; and 43 percent of electricity costs. What this means is that low income families with children; senior citizens on fixed incomes and persons with disabilities will have to make up the remaining costs out of their own pockets.

And, only 16 percent of eligible LIHEAP recipients currently receive assistance with their home energy bills. What that means is that 84 percent of eligible low-income families with children, senior citizens on fixed incomes and persons with disabilities do not receive any LIHEAP assistance whatsoever due to a lack of funding.

Unless we significantly increase LIHEAP funding, two things will happen: fewer and fewer Americans will receive the assistance to keep their homes warm in the winter and cool in the summer; or the grants they receive will become smaller and smaller even as the price of energy soars. We cannot allow that to happen.

No family in our Nation should be forced to choose between paying their home energy bills and putting food on the table. No senior citizen should have to decide between buying life-saving prescriptions and paying utility bills. For individuals and households that may have to face these difficult choices, LlHEAP makes a real difference in their ability to cope with adverse circumstances.

For all of these reasons, I urge my colleagues to support the Warm in Winter and Cool in Summer Act.

There are differences, obviously, in the Senate, differences within the House, on a number of very important energy issues. I understand that. I appreciated the differences. I have my point of view. Other people have different points of view.

There is far less difference of opinion—I think widespread support—among Republicans, Democrats, and Independents that we need to move. We need to move quickly to significantly expand LIHEAP funding. By expanding it, by doubling it, we are doing nothing more than keeping pace with inflation because the price of home heating fuel in my State has doubled so all we are doing is keeping even.

I hope we will come together as a body—progressives conservatives, Republicans, Democrats, Independents—and pass this legislation quickly. There is a companion piece in the House. I

hope we can get that done and bring the two pieces together. We are going to be able to provide some relief to millions of Americans.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ENERGY

Mr. NELSON of Florida. Mr. President, it looks as though I am the clean-up hitter tonight, before we close the session. It has been this Senator's privilege to be sitting in the chair while a number of these, our colleagues, have been speaking from their perspective. One of the unique features of this democracy is that there are 50 States, each with two Senators who sometimes have points of view that are different from each other. But out of the collective will, by the give-and-take process—as the Good Book says, ''Come let us reason together''—we try to forge a consensus in which to govern the Nation and to set policy through law and then abide by the rule of law.

What a great privilege it is for this Senator to be a part of that and try to articulate the interests as I see the national interests through the lens as I perceive it, through the interests of my State, as well as the country as a whole.

The fact is, we are in a deplorable condition where we are now importing 66.2 percent of our daily consumption of oil from places such as the Persian Gulf, Nigeria, and Venezuela. These are very unstable parts of the world. The President can certainly appreciate the fact that if we did not have to do that, we would be not only economically a lot better off but just imagine what our defense posture would be if we did not have to protect the sea lines. The U.S. Navy has to protect the sea lines, not only for our interests but a lot of the others of the world's interests in all those areas coming around—out of the Persian Gulf, on the west coast of Africa, and so forth.

It is also true that those sea lines and that flow of oil is increasingly under jeopardy because of terrorist groups such as al-Qaida that can figure it out and strike in undefended oil-producing facilities, as they have tried to do in Saudi Arabia and who knows where else. All of those jitters that ripple throughout the economy come because people think this tight oil supply is going to be cut off—as well it may be.

Back in the early 1970s it was cut off because of a cartel called OPEC, and they decided to cut back on production. You remember in the early 1970s that drove oil from something like $2 a barrel up to $10 a barrel.

This has progressively gotten worse to the point that the United States is now dependent for almost two-thirds of our daily consumption of oil coming from foreign shores. The United States only has 3 percent of the world's oil reserves. Yet the United States consumes 25 percent of the world's oil production.

It does not take a mathematical genius to realize if we want to do something about our vulnerability, if we only have 3 percent of the world's oil reserves but we consume 25 percent of the world's oil production, what is the ultimate solution? We have to wean ourselves from oil. We have to go to alternative fuels. We have to vigorously, through research and development, develop new engines. We have to use renewables, such as solar and wind and geothermal. Indeed, we have to get serious about conservation.

This Nation simply has not done this with great vigor. It is clearly the hope of this Senator that the next President of the United States is going to have this at the top of his agenda. Then, this Congress, combined with the next President, is going to be able to make some major policy shifts about our energy consumption and from where we get our energy. But, in the meantime, the scare, the fright, the pain of $4.11-per-gallon gasoline; the scare, the fright of oil, what normally would be at $55 a barrel, according to an ExxonMobil executive testifying, under normal supply and demand—it is not anywhere close to that. It is way up in the 130s, and it actually got up over $140 a barrel.

Because of that pain right now we have to act. There are those who have trooped in here and over and over their mantra is, as they hold up a big sign—and it is primarily the ones on that side of the aisle who say: ''Drill here. Drill now,'' as if that is the solution. This Senator has no problem with drilling if it is done responsibly and it is done in an area that there is not a prohibitively painful tradeoff.

What do I mean? I want to give you an example. It was this Senator who, 3 years ago, had to start a filibuster to stop a punitive measure against the defense interests of the United States. I had to stop it with a filibuster. That was an attempt to drill oil in the eastern Gulf of Mexico off of Florida. That happens to be the largest testing and training area for the U.S. military in the world. Why do you think we train all of our F–22 pilots at a base in Florida? Why do you think we train the pilots for the still-being-developed F–35 Joint Strike Fighter in Florida? It is because they have all of that unrestricted space over the Gulf of Mexico.

When the U.S. Navy shut down their training facility on the island of Vieques next to the island of Puerto Rico, why did they bring all of that U.S. Naval Atlantic Fleet training to the Gulf of Mexico? It is because it is restricted air space where they can have joint air, sea, and, at Eglin Air Force Base, land exercises in the training of our military.

We are testing new weapons systems that go hundreds of miles. Where? In the testing and training area of the Gulf of Mexico. And this Senator has shared with this Senate a letter from the Secretary of Defense that says: Do not drill for oil and gas in the military mission area of the eastern gulf testing and training area.

So 2 years ago, we put together a compromise. The oil forces wanted to have 2.5 million acres headed on a line straight for the west coast of Florida. This Senator worked it out with Senator LANDRIEU and several others. We arranged not 2.5 million acres to drill in, but 8.3 million acres, four times as much. But we kept it away from the military mission area, the military testing and training area, which also kept it away from the coast of Florida.

So when these folks come up with this mantra: Drill here, drill now, it is not taking into consideration that we have been through this drill before, and we have crafted a compromise. You know, we put that into law, as Senator LANDRIEU has shared, on different parts of the offshore. She showed you where we put that into law. It is prohibited under law, not by Presidential proclamation, it is prohibited by law until the year 2022.

We did that for the reasons I have already said. We thought we balanced the interests, and that was 2 years ago. And do you know what. Not one acre of that 8.3 million acres has been drilled. So this mantra of ''drill here, drill now,'' as if we do not have the area to drill, this Senator worked his fingers to the bone to get a compromise to satisfy all of the interests, including the drilling interests, and not one acre of that has been drilled.

As a matter of fact, not any of the 32 million acres under lease in the Gulf of Mexico has been drilled. This Senator is not opposed to drilling. This Senator wants to drill in the 32 million acres that are already available in the Gulf of Mexico and not harm the preparation and training of the United States military to defend our country.

Now, that is a simple message I want to share, and I had to wait until this hour in order to get the time to come out here and maybe, through the lens of that camera, some of this message is getting shared.

There is one more thing I want to share with the Senate that simply is not true. The folks who come out here with this simple message, drill here, drill now, constantly say: In all the hurricanes that they had there was not any oil spill. That is not true. I want to show you a satellite photo 4 days after Hurricane Katrina had already hit land up here on the Mississippi and the Louisiana coast. I want you to see the oil spills as recorded in a photograph from space. That is what it looked like 4 days after Katrina.

Now, I hope this debunks all of those folks coming up here and saying there

were no oil spills. I think they have gotten a lot safer, but don't come up here and say there are no oil spills. Let's be realistic about it. Let's use the most modern techniques where we are going to drill in those 32 million acres out in the gulf that are leased but not drilled.

After Katrina, 7.5 million gallons of oil were spilled. This satellite image was taken by the National Oceanic and Atmospheric Administration 4 days after Katrina.

If you do not believe me because I am saying it, let me point you to the report that was produced by the Bush administration after Katrina. This is from ''The Federal Response to Hurricane Katrina, Lessons Learned.'' It has the seal of the U.S. Government, written in February 2006. I want to give you the quote on page 8 of this report:

> In fact, Hurricane Katrina caused at least ten oil spills, releasing the same quantity of oil as some of the worst oil spills in U.S. history.
>
> Louisiana reported at least six major oil spills of over 100,000 gallons and four medium spills of over 10,000 gallons. All told, more than 7.4 million gallons poured into the Gulf Coast region's waterways, over two-thirds of the amount that spilled during America's worst oil disaster, the rupturing of the Exxon Valdez tanker off the Alaska coast in 1989.

That is the administration's own report.

In the next hurricane that came a few weeks later, Hurricane Rita, a large vessel struck a submerged oil platform that sank during the storm. Up to 3 million gallons of oil spilled in the gulf because of that, and only half of that oil was recovered.

There have been plenty of technological advances on safety. But it has not ensured the safety of all that oil infrastructure that Senator LANDRIEU showed you an aerial photo of in the Gulf of Mexico.

Listen to what the Bush administration's Minerals Management Service predicts. They predict there will be one oil spill in the Gulf of Mexico of 1,000 barrels of oil each year, and one spill of at least 10,000 barrels of oil every 3 to 4 years in the future. That is their prediction.

And, of course, if we have another Katrina—and remember, Katrina was only a Category 3 storm, which is up to 135 miles per hour. Guess what would happen if you get to a Category 5, which are winds in excess of 146 miles per hour, and the destructive forces of each mile per hour, when you get into that category, go up exponentially.

Well, I think I made my point. More intense hurricanes could mean more big spills and more damage to our fragile coastline and wetlands, our military mission, our gulf coast beaches, and the tourism industry they support, and the ecosystem. It could be devastating and decimated by a huge oil spill.

Now, we have to have balance because we are behind the eight ball since we import two-thirds of our daily consumption of oil. What this Senator wants is for us to balance the approach to this: R&D, alternative fuels, conservation, stretch the envelope, develop new engines, drill for oil, and do it in a responsible way where we have already provided the leases.

COMMEMORATING THE ALPHA KAPPA ALPHA SORORITY, INCORPORATED

Mr. REID. Mr. President, I welcome the women of Alpha Kappa Alpha Sorority, Inc., to Capitol Hill in celebration of its centennial anniversary.

Alpha Kappa Alpha Sorority, Inc. is our Nation's first African-American sorority, and was founded on January 15, 1908. Since then, the sorority has always exemplified its motto of ''being of service to all mankind.''

Over the course of ten decades, Alpha Kappa Alpha Sorority, Inc., has grown its membership to include over 200,000 members throughout the United States, Africa, Asia, Europe, and the Caribbean. Through the years, the sorority has remained committed to improving the lives of countless Americans through its involvement in programs including the Mississippi Health Project, the Job Corps, and the African Village Development Program.

In my home State of Nevada alone, Alpha Kappa Alpha Sorority, Inc.'s Theta Theta Omega Chapter has provided over $100,000 in scholarships to deserving African-American female Clark County high school students, while its Kappa Xi Chapter has a distinguished record of service both on the University of Nevada Las Vegas campus and throughout the community.

In the coming century, I am certain that this illustrious organization will continue to empower communities and respond to the increasingly complex issues facing the world. I commend the women of Alpha Kappa Alpha Sorority, Inc., for their 100 years of distinguished service to our great Nation.

Ms. LANDRIEU. Mr. President, this year we are celebrating Alpha Kappa Alpha, Inc. sorority's 100th birthday. This week, more than 20,000 members from all over the country have come to Washington, DC, to participate in a week-long program of forums and seminars with a focus on leadership, sisterhood and service, known as the Centennial Boulé. The theme of this week's celebration is the ''Centennial Commitment to Leadership.''

The week's events will culminate in today's Unity March where members from the nine African-American Greek fraternities and sororities marched to the Capitol.

AKA's International President, Barbara McKinzie, who has lived in Shreveport, LA, says the qualities that have sustained AKA for a century are ''sisterhood and service.'' Her administration is committed to ESP: Economics, Service and Partnership.

AKA is the first Greek-letter sorority established by African-American women for African-American, college-educated women. It was founded by nine enterprising Howard University women, led by Ethel Hedgeman Lyle, on January 15, 1908.

Now the membership has grown to 975 chapters worldwide and is 200,000-strong. Among the famous AKAs are Maya Angelou, Gladys Knight and Alicia Keys; and Members of the House of Representatives include Eddie Bernice Johnson and Sheila Jackson Lee of Texas, and Diane Watson of California. Powerful women across America both in the private sector and government represent the AKA sisterhood. Three members of my staff are proud to be a part of this sisterhood: my office manager Alicia Williams, acting State director Tari Bradford, and my New Orleans constituent services representative Sheraé Hunter.

The AKA sorority, founded before women had the right to vote by women one generation away from slavery, has been an instrumental group in raising the profile of African-American women and has worked tirelessly to knock down barriers to advancement in our society. The sisterhood has consistently encouraged academic achievement, leadership and service.

Members remain active for their whole lives and are encouraged to contribute to their communities. Each chapter has its own community service focus. The Gamma Eta Omega Alumnae Chapter in Baton Rouge, for instance, raises money through an annual fashion show for scholarships for high school seniors and sorority undergraduates and also sponsors the Leadership Fellows Institute each year to promote leadership among high school students.

The Delta Lamda Omega Chapter in Shreveport gathers for ''A Day On and Not a Day Off,'' where sisters take off work to volunteer in the community. Chapters all over Louisiana are similarly committed to their communities. In the aftermath of Hurricanes Katrina and Rita in 2005, AKAs from all over the country came to the aid of hurricane survivors along the gulf coast and helped with our recovery effort.

It is with great pride that we welcome all AKAs to the birthplace of the sisterhood, Washington, DC, as they embark on another groundbreaking century.

40TH ANNIVERSARY OF SPECIAL OLYMPICS

Mr. REID. Mr. President, today is the 40th anniversary of Special Olympics, an organization that has touched the lives of people with intellectual disabilities in Nevada and throughout the country. This spring, I had the chance to meet with one such Special Olympics athlete: Cari Davis, a resident of Henderson, NV, who has been winning medals since beginning her athletic career in 1988. It is my privilege today to recognize the achievements of all Special Olympics athletes, as well as the

broader impact of their participation in sports.

Forty years ago, Eunice Kennedy Shriver founded Special Olympics with the belief that everyone, regardless of ability or disability, deserves opportunities to participate in sports. What began as Camp Shriver on the lawn of her Maryland home has now grown into an international organization reaching over 180 countries. Through these programs, people with intellectual disabilities can do more than just develop skills in a particular sport or improve their physical fitness. They also get opportunities to form friendships, build self-confidence, learn teamwork, and enjoy the sheer joy of the athletic experience. That is why I was pleased to help enact the Healthy Special Olympics Sport and Empowerment Act of 2004, which enabled Special Olympics to expand its programs and increase the number of athletes served.

In my home State, Special Olympics Nevada provides year-round training and competition opportunities in a variety of sports, including alpine skiing, basketball, swimming, and gymnastics. In addition to providing these activities and sponsoring competitive trials, Special Olympics offers services that promote good health, such as screenings through the Healthy Athletes Program. Larger events are also held, like the Special Olympics Nevada Summer Games that took place this June in Reno.

These events highlight more than the athletes' determination, talents, and spirit. Their participation in sports is also serving to dispel myths and change attitudes, contributing to the greater inclusion, understanding, and acceptance of people with disabilities. In fact, there are Special Olympics initiatives, like its collaboration with the school district in Clark County, NV, that give students with intellectual disabilities and other students the chance to participate in sports together. Perhaps it is these young athletes who best embody this remark by Mrs. Shriver: ''May you overturn ignorance; may you challenge indifference at every turn; and may you find great joy in the new daylight of the great athletes of the Special Olympics.''

Mr. President, I wish Special Olympics all the best as we celebrate its 40th anniversary and look forward to many more years to come.

Mr. HARKIN. Mr. President, today we are celebrating the 40th anniversary of the Special Olympics, an organization that has done an extraordinary job of improving the lives of individuals with intellectual disabilities. This remarkable organization was born in Eunice Kennedy Shriver's backyard, where she used to host a day camp for children with intellectual disabilities. Under her founding leadership—and for the last decade, under the leadership of her son, Tim Shriver—the Special Olympics has grown into a truly amazing enterprise, serving some 2.5 million people in more than 180 countries. It gives individuals with intellectual disabilities the opportunity to improve their health, well-being, social skills, and other skills through competitive sports—and the opportunity to have fun, just like everyone else.

I have been a long-time advocate for people with disabilities. But it was not until the 1980s, when Eunice Kennedy Shriver came to see me and asked me to get involved as an advocate for individuals with intellectual disabilities, that I learned about the unique challenges faced by individuals with intellectual disabilities in our society. Of course, when Eunice Kennedy Shriver asked, I couldn't say no. She invited me to a Special Olympics competition here in Washington, and I immediately became a fan. It was extraordinary to see the athletes' talents, enthusiasm, and courage.

Over the years, thanks largely to Special Olympics, I have developed a better appreciation of the needs of people with intellectual disabilities. They have health problems that many physicians do not know how to address. For example, by and large, individuals with intellectual disabilities have little opportunity for exercise and other physical activity. Too often, they are relegated to the fringes of our society.

The brilliance of the Special Olympics is that it uses sports to help integrate people with intellectual disabilities into our broader society. Special Olympics provides a kind of ideal world for individuals with intellectual disabilities. The accent is on abilities, not disabilities. Athletes have the opportunity to compete and achieve on a level playing field. Special Olympics gives its athletes, like Kyler Prunty, one of my constituents from Marshalltown, IA, the opportunity to compete in swimming and other sports, as all children and young adults want the opportunity to do. Kyler knows that his success is determined by his own hard work, talent, determination, and courage.

Special Olympics helps people overcome their fear and ignorance of individuals with intellectual disabilities. It transforms athletes by empowering them as competitors and leaders. It transforms communities by changing attitudes about people with intellectual disabilities.

Special Olympics includes a number of associated programs. The Unified Sports program provides inclusive sports experiences with individuals with and without intellectual disabilities playing together on the same team.

Special Olympics also improves the lives of individuals with disabilities by looking at health issues. I am a proud supporter of the Healthy Athletes program, which allows athletes to receive a variety of important health screenings and services in conjunction with local, State/Provincial, National, and World Games.

Special Olympics has come a long way since it began 40 years ago. When Special Olympics held its first event in Illinois, my home State of Iowa sent fewer than 100 athletes to the games. Today, more than 13,000 Special Olympics Athletes, and 2,000 certified coaches, from all 99 Iowa counties in Iowa, participate in Special Olympics programs.

I am proud that, in 2006, the first-ever Special Olympics USA National Games were held in Ames, IA. In conjunction with those games, I held a field hearing of my Senate Appropriations Subcommittee focusing on the status of people with intellectual disabilities in the U.S. That hearing taught us a great deal about the health and education needs of individuals with intellectual disabilities.

As a result of the hearing, I introduced S. 1050, the Health and Wellness for Individuals with Disabilities Act. This bill would promote the training of medical and dental professionals to care for individuals with intellectual disabilities. In addition, it would create model wellness programs, and standards for accessibility of medical equipment to further level the playing field for the care of Special Olympics athletes and other individuals with disabilities.

Special Olympics and its emphasis on inclusion of individuals with intellectual disabilities through athletics is now a worldwide movement. It shows what can be achieved when one individual, in the person of Eunice Kennedy Shriver, pursues a cause with passion. Her vision is making a difference in the fabric of our society, where individuals with intellectual disabilities can now participate in sports competitions in Iowa, across the country, and around the world.

I salute the Special Olympics for a brilliant 40 years of service, and I wish the organization even greater success in the decades ahead.

IN REMEMBRANCE OF DOROTHY PHILLIPS

Mr. REID. Mr. President, I rise today in remembrance of Dorothy Phillips, who passed away yesterday at the age of 84.

Born in Utah in 1923, Dorothy was a dedicated mother of 7, grandmother of 15, and great-grandmother of 14. She lived in the small southeastern Nevada town of Caliente for over 70 years and was known to its residents for her active leadership in the community. She was an enthusiastic participant in local, county, and State politics, and her prominence in local Democratic Party matters led many to seek out her support and advice, and one of my best ever campaign volunteers.

Dorothy was also passionate about the needs of Nevada's senior citizens. For her 26 years of service as the director of the Caliente Senior Citizen Center, a senior housing development was named the ''Dorothy Phillips Manor'' in her honor. She was even selected to

represent Nevada's seniors as a delegate to the 1995 White House Conference on Aging.

In addition, Dorothy was a vocal opponent of the proposed nuclear waste dump at Yucca Mountain. The Department of Energy's transportation plan would bring trainloads of nuclear waste right through Caliente. Dorothy spoke out against this plan, fueled by concerns for how it would impact her small town. In part, Dorothy's activism was inspired by tragedy. Dorothy recalled being told that the mushroom clouds created by the testing of atomic weapons at the Nevada Test Site during the 1950s were not harmful. In fact, she said residents were encouraged to go outside and watch. Unfortunately, Dorothy's father and two siblings died of cancer caused by radiation from the test site. It was in their memory that she fought against Yucca Mountain and the Caliente Corridor.

Dorothy will be remembered for her devotion to her family and her community, and she will be missed by those who had the privilege of knowing her. I extend my most heartfelt condolences to her husband Donald and their family. They should all be proud of her legacy of service to Nevada.

THE MATTHEW SHEPARD ACT OF 2007

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

On the evening of July 7, 2008, Rev. Louis Braxton, Jr., was returning to the shelter he runs for transgender and gay youth in Queens, NY, when he witnessed a group of teens attacking some of the shelter's residents. Father Braxton says he shouted at the attackers and they ran off. Four of them returned, however, holding a paint bucket, steel brackets, a miter box, and a belt. According to the Queens district attorney's office, two of the residents argued with the four attackers and were punched in the face and body. Father Braxton, who was also reportedly struck in the face with a metal object in the scuffle, says the assailants were yelling homophobic and antitransgender slurs as they beat the victims. The shelter apparently suffers from weekly attacks from neighborhood teenagers. Father Braxton has met with the Hate Crimes Division of the police department to discuss safety issues for the residents. The district attorney's office has charged Shara Mozie, Tyreek Childs, and Trevaughn Payne with assault and weapons harassment, and the attack is also being investigated as a hate crime.

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

CENTENNIAL ANNIVERSARY OF THE FBI

Mr. LEAHY. Mr. President, I was privileged to attend the event at the National Building Museum this morning commemorating the FBI's centennial anniversary. It was an extraordinary event honoring the dedicated men and women of the FBI. Four of the six FBI Directors who have guided this agency over the last 84 years were present, and Director Mueller made an inspiring speech to mark the occasion. He spoke about the history of the Bureau, paid tribute to those who have served and are currently serving, and spoke about the elements in the FBI's motto of ''fidelity, bravery and integrity.''

I was especially struck by Director Mueller's description of the values that guide the Bureau, values that are important to effective law enforcement. He said:

> It is not enough to stop the terrorist—we must stop him while maintaining his civil liberties.
>
> It is not enough to catch the criminal—we must catch him while respecting his civil rights.
>
> It is not enough to prevent foreign countries from stealing our secrets—we must prevent that from happening while still upholding the rule of law.
>
> The rule of law, civil liberties, and civil rights—these are not our burdens. They are what make us better. And they are what have made us better for the past 100 years.

I commend the Director for his words and for his service. I congratulate the men and women of the FBI and thank them for all they do every day to keep Americans safe, establish justice, and allow us to secure the blessings of liberty.

I ask that the remarks of Director Mueller be printed in the RECORD.

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

100TH ANNIVERSARY COMMEMORATION, JULY 17, 2008

Good morning to all. It is truly an honor to be here today to mark this significant milestone in the Bureau's history, and to share in the celebration of this occasion—the 100th anniversary of the FBI.

My thanks to Attorney General Mukasey and the many other distinguished guests for joining us today.

My special thanks, also, to Directors Webster, Sessions, and Freeh, for being here with us on this day. Together, they represent three decades at the Bureau in which we saw a strong emphasis on white collar and organized crime, as well as counterintelligence cases. We witnessed innovations in crime-solving technologies, and a dramatic expansion of our international program.

But let's go back a bit further in history.

One hundred years ago, Attorney General Charles Joseph Bonaparte organized a group of investigators under the Justice Department. In July, 1908, the Bureau of Investigation opened its doors.

The first Bureau employees numbered just 34—nine detectives, thirteen civil rights investigators, and twelve accountants. They investigated, among other things, antitrust matters, land fraud, and copyright violations.

Compare that to today's FBI—a threat-based, intelligence-driven, technologically supported agency of over 30,000 employees—employees who are working in 56 field offices here in the U.S., and 61 Legal Attache offices overseas.

Employees who are combatting crimes as diverse as terrorism, corporate fraud, cyber crime, human trafficking, and money laundering. J. Edgar Hoover would indeed be proud.

Today's FBI is often, and I believe accurately, described as one of the world's few intelligence and law enforcement agencies combined.

The culture of the FBI is now, and for the past 100 years has been, a culture of hard work and dedication to protecting the United States, no matter what the challenges.

In the wake of the September 11 attacks, it became clear that the FBI's number one priority must be the prevention of another terrorist attack. We refocused our mission, revised our priorities, and realigned our work force.

We strengthened lines of communication between the Bureau and our partners in the global intelligence and law enforcement communities.

And we are now stronger, and better equipped to confront the threats we face today.

Today's FBI continues to reflect and to embody its motto—Fidelity, Bravery, and Integrity. It is a motto emblazoned on the FBI Seal. And it is worth its weight in gold.

For the past 100 years, the men and women of the FBI have lived out their commitment to Fidelity, Bravery, and Integrity. And it is precisely because they have done so that the Bureau has the reputation that it has today.

Even so, these are qualities that need to be constantly burnished by the men and women of the Bureau, to ensure that they do not rust for lack of use.

For most of us, fidelity is faithfulness to an obligation, trust or duty.

For the men and women of the FBI, fidelity also means fidelity to country. It means fidelity to justice and to the law, fidelity to the Constitution, fidelity to equality and liberty.

Bravery is the quality of being willing to face danger, pain, or trouble; to remain unafraid.

Bravery is not merely the act of rushing in where others flee. It is the quiet, diligent dedication to facing down those who would do us harm and to bring them to justice.

The well-known tennis champion and social humanitarian, Arthur Ashe, once said, ''True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.''

Bravery is the capstone in the stories of Special Agents Rodney Miller, John O'Neill, and Lenny Hatton. On September 11, Miller and O'Neill went up, not down, the stairs of the North Tower of the World Trade Center to help others to get out.

Rodney Miller went all the way up to the 86th floor, offering assistance to fire and police personnel on the scene.

Through radio transmissions, Lenny Hatton reported the crash of the second plane, and then assisted with evacuation efforts. Neither he nor John O'Neill survived.

And we will never know how many lives were saved as a result of their and the other first responders' extraordinary bravery on that day.

Although their stories are unique, their bravery is repeated by the men and women of the FBI working each and every day around the country, and around the world.

Whether cracking down on public corruption or white collar crime that corrodes the public trust. Or capturing criminals who exploit children on the Internet, or commit violent crime, hate crime, organized crime, espionage, or terrorism.

Such bravery can be seen in the story of Jay Tabb, a member of our Hostage Rescue Team. Tabb received the FBI Star after being shot and seriously wounded during the arrest of a wanted fugitive.

Just months later, during a search of a terrorist safe-house in Iraq, he was injured again, this time by a suicide bomber. Despite his own injuries he rescued four wounded soldiers. After each incident his first question was, how soon can I get back to work with my team?

Bravery can be seen in the stories of our Task Force Officers like Port Authority Police Detective Tom McHale, who has served on our Newark Joint Terrorism Task Force since 1995.

The morning of September 11th, McHale was blocks away from the World Trade Center when he heard the first plane fly overhead. He raced to the scene to assist with evacuations and rescues. He was caught in both building collapses, and was injured.

And yet as a trained ironworker, McHale spent the next weeks in the rubble cutting through steel recovering bodies. He worked at Ground Zero for 12 hours a day, before reporting for duty on the Joint Terrorism Task Force to help with thousands of leads.

Bravery can be seen in the work of Jennifer Keenan, the first female Special Agent to be stationed in Pakistan and in Yemen, and who helped carry out dangerous missions in both of those countries.

Along with Tom McHale, Keenan was part of the FBI team in Pakistan who captured Al Qaeda suspect Abu Zubaidah.

Bravery can be seen in the story of Special Agent Bruce Bennett and three other Agents, who, as John mentioned, were seriously wounded just last March in a terrorist bombing, also in Pakistan.

And it can be seen in the story of Walter Walsh, our oldest retired Special Agent, who survived shootouts with gangsters in the 1930s.

And it so happens that several of these individuals are with us today. Would you all please stand so we can recognize you?

And yet there is no shortage of heroes in the FBI. I am certain there are also many unsung heroes with us here in the audience today—heroes whose stories may never be told.

And we honor them as well.

For the men and women of the FBI, bravery is reflected not only in the physical courage often necessary in the job. It can be seen in the courage of conviction, in the courage to act with wisdom in the face of fear, and in the courage it takes to admit mistakes and to move forward.

This brings us to the third quality that defines the Bureau, and that is integrity. It is the quality of being of sound moral principle; uprightness, honesty, and sincerity.

For the men and women of the FBI, integrity is reflected in all that we say and we do—in honesty, in keeping promises, in fairness, in respect to others, and in compassion.

Integrity is, in some ways, the most important of the three words that make up our motto. Integrity is the fire by which fidelity and bravery are tested.

Fidelity, Bravery, and Integrity set the expectations for behavior; they set the standard for our work.

More than just a motto, for the men and women of the FBI, Fidelity, Bravery, and Integrity is a way of life.

And it has always been so. It has been said of FBI employees that they stand on the shoulders of their predecessors. Indeed, we do.

And while it is a time of change in the Bureau, our values will never change.

It is not enough to stop the terrorist—we must stop him while maintaining his civil liberties.

It is not enough to catch the criminal—we must catch him while respecting his civil rights.

It is not enough to prevent foreign countries from stealing our secrets—we must prevent that from happening while still upholding the rule of law.

The rule of law, civil liberties, and civil rights—these are not our burdens. They are what make us better. And they are what have made us better for the past 100 years.

The men and women of the FBI today are part of history in the making. We understand that we have been passed a legacy and that it remains our responsibility to both build on and to pass on that legacy to those who will succeed us.

John F. Kennedy once said, ''. . . when at some future date the high court of history sits in judgment on each of us, . . . our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?''

The men and women of the FBI, here and around the world, past and present, can resoundingly answer yes to each of these questions. That is because they live our motto each and every day.

Fidelity, Bravery, and Integrity remain the attributes of an organization with a proud. history of distinguished service to the nation. And each of us is indeed honored to be part of that.

With Fidelity, Bravery, and Integrity defining every FBI employee, we stand fully ready to face the challenges of the next century.

Thank you all again for being here with us today and God bless.

CONQUER CHILDHOOD CANCER ACT

Mr. REED. Mr. President, I am very pleased by the Senate's actions last night to pass bipartisan legislation that I introduced, the Conquer Childhood Cancer Act.

Recently, through the leadership of Representative PRYCE, the House passed its version of this legislation by an overwhelming vote of 416–0. The bill was renamed after Representative PRYCE's daughter, Caroline Pryce Walker, who died of neuroblastoma at a young age.

Ben Haight of Rhode Island also died of neuroblastoma. But Caroline and Ben shared more than this terrible disease. They inspired their families to turn tragedy into hope. They and others also inspired many of us in Congress to work on this legislation.

The bill invests $30 million a year to expand pediatric cancer research. It also creates a national childhood cancer registry to track pediatric cancer. Researchers would be able to contact patients within weeks, enroll them in research studies, and follow up with them over time. In Europe, similar registries are already yielding results to research questions.

Again, I am pleased that our many efforts to overcome objections to the bill have finally succeeded, and that the bill is on its way to the President's desk to be signed into law.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

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

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

DEAR SENATOR CRAPO: You asked that I send a paragraph or two about how I or my family are impacted by the constantly rising gas prices. At first, I thought that I had nothing to share, other than the usual issues you mention: no choice, I have to drive that far. Then I realized that I do indeed have a story to share.

I am an amateur radio operator, and I love helping my community by volunteering my services at various events. However, with the rising cost of fuel, I am being slowly forced to pick and choose what events I am willing to help with. That means that many local and distant events that rely on amateur radio operators (hams) to provide them with communications are finding it not only more and more expensive to put on the events, but also finding that it is not as easy to get enough communication volunteers. Without enough hams there, the people putting on the events have to space what resources they do have further and further apart. This provides an extra risk for the event participants in some cases. With hams spaced increasingly further apart, there are areas of, for example, parades, fairs, bike races and tours, long distance runs, and other outdoor events that have no safety net in case something goes wrong.

Sometimes we are partially reimbursed for our fuel, other times we aren't. For some hams who may be retired, this can be the only way they are able to afford to volunteer. Others of us, myself included, will attempt to cut something else to still volunteer but even so there are so many events and only so many fuel dollars that I can volunteer. For those of us that function as brooms and sweeps at races and tours we still drive more miles than the gas we are reimbursed for.

As long as we can, we'll volunteer for these events, but even so there comes a time when we simply cannot afford it, much as we'd like to volunteer.

Respectfully,

BILL.

SENATOR CRAPO: The ever-increasing fuel prices have forced me and my family to make significant changes in our lifestyle. My wife is a stay-at-home mother, taking care of our two boys; so, consequently, we live on a fixed income like most Americans. To keep our fuel costs at our budgeted amount, we've been forced to purchase a motorcycle for commuting to and from work. This decision comes with a certain level of risk, but it is a choice we have made in order for my wife to continue to stay at home and raise our boys. Should fuel prices continue to increase, we may be forced to have my wife return to the workforce, which, I hope you would agree, is not what this country needs. With fuel prices soaring, it is very aggravating to hear that China and India are 50 miles off the coast of Florida, slant drilling for oil in the continental shelf but yet it is illegal for us to do the same. It is aggravating to hear that the last refinery was built in this country over thirty years ago! I understand this is because of all the regulatory legislation. It is aggravating to hear politicians complaining about big oil profits when their profit margins are only around 8%! It is aggravating to hear politician's discussing windfall profit taxes when it is profits that have built this country! I hope you would agree that it is profits that drive innovation and technology! If the politicians were working on the country's business and not discussing the use of performance enhancing drugs in baseball, cheating in football, writing letters to Rush Limbaugh, etc. . . . the energy crisis in this country would most likely have been solved years ago!

Thank you for the opportunity to provide you with my thoughts on energy prices and how it has impacted our family as well as allowing me to vent my frustration with some of the leadership of this country. I applaud you on your recent fight on the ''climate change legislation.'' I believe the climate change and global warming is a huge myth, and I pray we never implement cap and trade; which, I believe will be the beginning of the end. Keep up the good fight & God Bless!

Respectfully yours,

SCOTT.

Like many others, I am concerned about the rise in energy costs—for me it has a great deal to do with my health. I was diagnosed with MS a few years ago. One of the most difficult times for me is the summer. MS makes the heat pretty much unbearable, so the air-conditioner runs most of the time—especially through May to October. I also must use the air-conditioner in my car when I drive. When the heat strikes, I become fatigued so much so that I cannot move. This makes it hard to be with friends and family, especially my 13 year old son—who is very active. I do hope that we can find some alternatives to gas and oil, and look forward to hearing how you can help.

Thank you,

KIM, *Boise*.

It may seem as though it will take a holy cow to get our legislature to think ''oil independence,'' but as I am sure you realize, we have over 100 years of oil independence at our fingertips; that's right here at home in Utah, Montana, and the Dakotas, this is not counting the offshore oil available off both coasts, OR do we need to help China find our oil. It is about time for a wake-up call. I do support your logical and commonsense approach to the energy crisis we have at hand and support your direction.

Keep up the good fight; let us stop sending our dollars overseas. Oil independence—that is the ticket! Thanks for listening.

JOHN.

MR. CRAPO: Perhaps you should read the Idaho State Journal, the ''Your Letters'' in the first section of the paper dated June 16, 2008. Side with big oil, as it clearly looks as you did, and then expect your constituents to write in to you and give heartbreaking stories seems a bit ludicrous. Opening up wilderness for drilling is a 10+ year detour as that is the estimate as to when we would actually see any of that oil in the system.

If you want to help:

1. Find ways to help the average home owner to install solar panels on rooftops or in backyards to help offset the rising electrical rates. This needs to be through low interest easy to obtain loans and even grants for low income homeowners, not tax breaks, as the initial investment is large and out of range for home owners such as myself. This would result in lower electrical bills and maybe even a money-generating opportunity for the homeowner as they can sell excess back to Idaho Power.

2. Help establish more wind farms and make sure that the end product stays in Idaho, not transmitted out of state. The outlandish approval hearings and appeals need to be stopped.

3. Nuclear was never and is never the answer; the end product of such is a disaster waiting to happen.

4. It is time to come to grips with the fact that oil prices will never come down. We have created this dragon, and now it has come to burn our villages. Do we really need Hummers, large SUVs, NASCAR? I think not. The automobile makers in this country need to be held to higher standards and take the lead on producing vehicles that actually make respectable gas mileage. This country put men on the moon, but we cannot produce a vehicle that actually makes a respectable MPG, and I am not talking 30 MPG but 50MPG+.

5. Yes, it is time to crack down on big oil. The profits that these companies have been posting are insane. The arguments that production costs have risen, etc., are a slap in the face to anyone listening to these numbers. These are profits, not gross income.

Best Wishes,

MATTHEW.

My wife and I are in our mid-sixties, my wife on Social Security. The spiraling fuel prices are beginning to wreak havoc on our conservative budget. I am on the verge of riding a bicycle to work, nine miles each way. I know that we, as a country, have the ability to produce all the energy we need for generations, but [no solutions are forthcoming]!

I hate to think I have worked my entire adult life just to have prohibitive fuel prices keep us from doing many of the things we have looked forward to.

For a change we can believe in, do something about it! Let us start by tapping the massive resources we have available to us here at home. Americans like myself will not be quiet forever.

ALAN, *Meridian*.

Thank you for this opportunity to provide feedback. I have many friends who are retired from the military and police. [Most,] like me, are conservatives.

As we e-mail each other, the same theme and thoughts continue to be repeated. Why [does it seem there are no answers from our Congress regarding energy prices? There have been plenty of hearings on issues like baseball, impeaching the President and grilling oil executives, but nothing that actually fixes the problem.]

The lesson of history [appears to be lost by many people]. The oil embargo was the first shot fired in this global war. The Saudis are not our friends, and the entire Middle East is [a consistently unstable area], yet we have done nothing for over 30 years!!!

Why would or should our President seek additional production [from that area] when this country has known reserves that could be effectively used to deflate the cost of oil, gas and diesel. I am not a lawyer, but even I, as well as most commonsense thinking people, have figured this out.

The very removal of the current restrictions on drilling of our currently known resources would drive the costs down almost overnight. This would take courage and leadership.

This is not considered to be a long-term plan for energy independence. However, if used as a bridge, it would allow for the needed technical expertise to develop higher efficiency engines and alternate transportation choices. This would serve this country better than the current so-called energy policies currently in place.

With China drilling for oil just off the coast of Florida, how can you guarantee that they will not use current technology to ''poach'' our oil reserves in this area?

Given the track record of [action so far], I do not have much confidence in anything getting done.

RONALD, *Council*.

I am a single parent. I work hard and also go to school as a full-time student. It is a 30-mile drive to my school one-way, and 77 miles to work one-way. The cost of gas is not my idea of fun. Thankfully my primary vehicle gets 40 miles to the gallon, which helps to take the sting out of it a bit, but not much. I am having to curtail a lot of the activities that I do with my children that include taking them swimming and such, due to the fact that I need to get to work or school and cannot afford much else. I have been watching the prices go up, oil companies and their executives [receiving record] profits and no relief in site. Most Americans are suffering while [a small group] are building bigger bank accounts. I believe in capitalism completely, but not [at the expense of] the common American. It does not take a rocket scientist to figure out who is behind all of this, and that there are most likely a few traders out there and maybe even others driving the price of fuel up too to further pad their pockets. I never understood why some wanted to cut off the supply to the strategic reserve as that is such a small drop in the bucket that it will never do any good in the long run. Food costs are going up due to rising fuel costs, which means now I do not get some of the things my kids used to enjoy as often. We do not even go out to dinner or even a movie as that small amount of fuel could make the difference in getting to work or class for me. And trust me in saying, [my family relationships have suffered] because I cannot afford things we used to do that they want to do. When the time comes that they say the cost of satellite TV needs to go up due to fuel costs I will have had it. I am watching way too many companies use that excuse to raise prices when fuel has nothing to do with their goods and or services. This has got to stop, and the oil companies get reigned in and severely penalized for what they are doing. Open the Alaskan and Gulf reserves and slap major government regulation on the oil companies like was done to

Ma Bell in the 70's. That will teach them and smash their monopolies.

ED.

SENATOR CRAPO: I have a serious concern about energy prices. I live in Blackfoot, and work in Pocatello and Idaho Falls (ISU). At this rate, I may have to find a job in Blackfoot. Gas prices are affecting us more than in most states due to our rural status. I think you should continue to represent our concerns about high gas prices. Can we get the corporate officers from Chevron, Exxon, etc., to testify in Congress as to why our prices are so high? Can we convince the Middle Eastern oil barons to bring their prices down? I have supported you on many issues. I was especially thankful for your support of the Dia del Nino program at the Sixth Grade School in Blackfoot when your office donated hundreds of books to the kids. Please continue to support us on our concerns about the exorbitant energy prices, especially the high cost of gasoline at the pump. Somebody has to be held accountable for these skyrocketing prices. Thanks for all you do!

AMANDO.

DEAR SENATOR: Thanks for asking, but there is no real point in more words and stories and talking. [The auto industry has received special treatment for many years, including avoiding] significant increases in fleet mileage standards. Congressional-supported research for alternative energy sources was removed from the most recent energy bill. [Oil company executives are making exorbitant salaries, and many other rumors and concerns have surfaced about job losses and energy research]. I like Senator McCain's ideas for instituting an entire new green energy industry in the U.S. That would support your ideas for alternatives. Heaven—and Mother Nature—knows that Idaho, with geothermal and biomass and hydro and enough solar and wind, is conveniently at the crossroads and on the power grid to score big time on this. But that takes a federal government commitment toward schools [similar to what] the Sputnik shock created. I am afraid the libertarian/conservative ''get government out of our lives'' mentality will end that.

Is not $4 gas really America's best energy policy? That this is what it will take to change thinking on mass transit, improved mileage vehicle design and purchases, ridesharing, central city dwelling, buy local and regional food?

So, our stories? Well, trip-chaining to reduce shopping trips, [supporting efforts to improve community transit systems which will also improve inversion and air quality concerns.] Staying home rather than flying or driving on vacation.

This exercise of providing anecdotes is a waste of time. The issue and solutions have been [around for many years, but not implemented. Too often, we, the people, feel ignored by those who simply talk about solving the problems, but do not take any substantive action. We are all working for the American Dream, but there are so many issues that are ignored—]roads and bridges deteriorating, borders and ports unsecured, financiers unregulated, food and drug operations poorly monitored, military qualities diminishing, public school standards disappearing.

On this one issue, [everyone is affected—] getting to work, emergency vehicles, cross country 18-wheelers, sales trips, plane trips and freight, school buses.

Thanks for your attention.

RICHARD, *Boise*.

Being 18, maybe I do not have the full perspective on issues, but the correct energy policy seems too simple to be wrong. As an American, what I demand is action! Something needs to be done already! Nothing has been done for 30+ years, so there has been plenty of time to talk and argue. Now is the time when action is needed. Congress needs to just listen to the men and woman in energy-related fields for the solution. Do not listen to those who do not know what they are talking about. I have grown up in the 'hub' city for the Idaho National Lab and have full faith that if you let the men and women who work there, and similar places throughout the country, ''attack'' the energy problems that they can and will solve the problems promptly and efficiently; they have the ability, so please just give them the funding, initiative, and faith to get the job done!

As for how energy prices affect Idahoans differently than the majority of the country is that everything here is so spread out. A trip to the next town can be 60 miles, and the only way to travel is by vehicle. Also, in our area, many people drive trucks, but, unlike other areas, the people who drive those type of vehicles here do so because they have to, meaning it is central to their business, which maybe hard to imagine for those who are used to riding in taxis and subways but is absolutely true.

Thank you, Senator Crapo; out of all of our politicians, I feel like you are actually trying to do good for the country!

BOBBY, *Idaho Falls*.

SENATOR: In all of your e-mails on this subject of energy, I have yet to read about any active support for the trillion or so recoverable BBIs of oil that are locked up in shale in the Green River area. It was approved for some exploration, and then it disappeared off of the energy screen.

Why are we not doing anything or very little in the way of federal support for the source? I believe that one of the oil companies developed a method for extraction in situ which gets rid of the problem of shale exploding like popcorn when it is mined and retorted. This source was explored in the seventies and was found to have been economical to produce until oil went back to 10–15 a barrel after the last crisis.

KEN, *Sandpoint*.

DEAR SENATOR CRAPO: As an answer about how the price of gas affects here in Oldtown, you might say we are in the center of being anywhere. Any major shopping that my wife and I want to do, we must travel a minimum of 50 miles, to either Spokane, Washington, or to Coeur d'Alene, Idaho. Using my wife's car for those trips is no great hardship, but still I am out at least 20 dollars for fuel. If it is something I need to haul and drive my pickup, I can figure, about $50 for the round trip. All well and good about getting a more fuel-efficient vehicle, but being retired and living on my SS, puts a crimp on any major purchases.

ROSS, *Oldtown*.

RECOGNIZING NELSON MANDELA

Mr. FEINGOLD. Mr. President, today, I am pleased to recognize a man whose work has touched so many people in Africa and beyond, and whose life has demonstrated the power of transformation. Tomorrow, former South African President Nelson Mandela will celebrate his 90th birthday and I would like to send him my very best wishes.

As I have traveled across Africa, I have witnessed the respect Mandela commands and the pride he evokes in all Africans, across borders and boundaries. It is nearly unmatched. He is a symbol of the enduring truth that even the most intractable systems of repression and violence can be overcome with courage and persistence.

The lessons of Mandela's leadership are made that much more remarkable when juxtaposed with another African liberation leader, Robert Mugabe. Upon being released from jail after 27 years, Mandela chose to pursue a path of reconciliation rather than retaliation. When he became President in 1994, he continued that approach and worked to unite the country around his vision of a ''rainbow nation.'' After one term, he stepped aside as President, realizing that institutions must take precedence over individuals in building a stable democracy. Though South Africa certainly had its share of problems since—including a skyrocketing rate of HIV, increasing political turmoil and a recent wave of xenophobic attacks against immigrants—Mandela continues to be a voice for peace and stability, a voice of and for all people of South Africa. The contrast with the continued bloodshed and repression in neighboring, Zimbabwe is stark.

President Mandela's vision for South Africa not only sought peace within its borders, but also beyond them. In 1993, he famously said that human rights would be ''the light that guides our foreign affairs.'' After leaving office, Mandela continued to embody that vision in South Africa and across the continent as he focused on building support for this critical principle—whether with civil society groups or government officials. He has been actively involved in peace processes around the world and a leading advocate for global action to address HIV/AIDS. His willingness to speak out against injustice wherever it festers has inspired and challenged all of us.

I am gravely concerned that the current South African leadership is moving away from this vision. Its unwillingness to publicly criticize recent abuses in Zimbabwe or allow for an expanded mediation is undermining pressure on the Mugabe regime to accept a transitional government. In addition, the announcement by the South African Government that it will oppose the International Criminal Court's indictment of Sudanese President Al-Bashir is deeply disappointing. I have deep respect for the leadership South Africa demonstrates on the continent and that is precisely why I challenge its leaders to play a more active and constructive role in efforts to promote peace, security, and democracy.

Mandela's legacy challenges not only South Africa, but all of us who care about the future of Africa. There is a tendency to look for easy answers or quick fixes to the challenges facing the continent today. Mandela's life is testament to the reality that sustainable peace and democracy require continued investment and long-term vision. They

are not static and cannot be taken for granted. As we celebrate his 90th birthday tomorrow, I hope we will take seriously that challenge and commit ourselves to the hard work of standing up for freedom and justice. For the people of Sudan, Zimbabwe and so many other parts of the world, the stakes have never been higher.

RETIREMENT OF DON MITCHELL

Mr. ROCKEFELLER. Mr. President, you and I and all of our colleagues know that the Senate could not function without the superb work of the Senate staff. These dedicated men and women work day in and day out, often logging long hours, working under pressure, and performing extremely sensitive jobs, not for high pay, but because of their dedication to their country.

All of these individuals deserve our praise and our thanks. But occasionally one of them deserves to be singled out. Today I rise to pay tribute to one such individual, Mr. Don Mitchell, professional staff of the Senate Select Committee on Intelligence.

Don is retiring soon after 24 years of government service, 22 of them here in the Senate. In 1984, the same year I was first elected to the Senate, Don began his career as a legislative assistant for national security in the office of his home State Senator, John Glenn. In 1989, Senator Glenn moved Don to the staff of the Intelligence Committee. His association with Senator Glenn and the committee lasted until 1999 when Don left to become Director of Intelligence Programs for the National Security Council.

After spending 2 years at the National Security Council, the Intelligence Committee was lucky enough to lure Don back to the committee staff. And I have been fortunate that he has stayed throughout my tenure on the committee.

While on the committee, Don has worked on a wide range of issues. He has handled the budgets of the FBI, and the Departments of State, Energy and Treasury and he has been responsible for counter intelligence programs. In addition to Senator Glenn he provided liaison support to Senators Richard Bryan and DICK DURBIN. For the past few years he has overseen all covert action activities, the most sensitive programs within the intelligence community.

Throughout this time, Don has done his job with a professionalism that has earned the respect of his colleagues and Members on both sides of the aisle.

While Don's professional accomplishments are impressive, they are far from the sum of who Don is. Don is an accomplished author, having published works on one of his political heroes, Adlai Stevenson, and most recent, a biography of his first boss, Senator Glenn.

Don's true passion though is his family. His wife Grace, his son Logan, and his daughter Ella know well of his devotion to them. They also know of his dedication to his work here in the Senate, having supported him for so many years and having endured the many late nights and weekends he has sacrificed for the Senate.

Don is the type of staffer who does not seek glory or recognition for himself. He does not look for ways to insert himself into issues in order to be noticed. He knows what is important and he works toward that goal. He shuns the limelight, but he has made deep and lasting contributions to the process of intelligence oversight. His steady presence, his solid advice, and his devastating wit will be missed.

I wish him well in his coming endeavors and hope that our paths cross again.

ADDITIONAL STATEMENTS

BROIN FAMILY GENEROSITY

• Mr. JOHNSON. Mr. President, today I rise to recognize the Todd and Linda Broin family of Sioux Falls, SD, and applaud their generosity. Through a charitable gift to the Sanford Project, the Broins have made a major contribution in the global effort to cure type 1 diabetes.

The Sanford Project, an initiative of one of South Dakota's health care systems, seeks to focus research efforts on one critical health care issue with the goal of making significant process toward curing or otherwise eliminating the disease. Last month, Sanford Project leaders announced their focus on curing type 1 diabetes, with a specific emphasis on beta cell regeneration.

Type 1 diabetes, also called juvenile diabetes, is a severe disease with no known cause or cure that affects nearly 3 million Americans and their families. Linda Broin's own experience with type 1 diabetes, stemming from her diagnosis with the disease at age 12, makes this contribution all the more personal, and inspirational. The Broins' generosity will allow for the establishment of the Todd and Linda Broin, chair, of the Sanford Project, and their gift will be used to support the salary and related expenses of the person who leads the campaign to cure type 1 diabetes. I am extremely pleased the Sanford Project is dedicating health research resources to cure type 1 diabetes, and, like so many others, I am grateful that the Broins' gift will advance the recruitment of top researchers to lead this project.

Diabetes is a severe disease that can result in a range of disabilities, including blindness, amputations, and kidney failure. Given the cost of diabetes not only to Americans' health, but also to our personal finances and our economy, it is clear that funding for diabetes research and prevention needs to be a priority. Biomedical research is the key to solving unanswered questions regarding this disease and holds the potential to impact millions of lives. While government funding clearly plays an important role in fueling research, the Broins' private contribution provides vital flexibility and garners even greater interest for the project.

I am pleased the Sanford Project's efforts have been amplified and I commend the Broin family's generosity in their gift and efforts to increase awareness about this disease.•

TRIBUTE TO PHIL ROBBINS

• Mr. STEVENS. Mr. President, I wish to remember the life of Philip Austin Robbins III, of Kodiak, AK.

Phil was born on June 28, 1943, in Anacortes, WA, where he spent his youth. After graduating from high school, he set out on an adventure that would take him around the globe. With little money, Phil hitchhiked, took odd jobs, slept where he could find shelter, enjoyed the hospitality of strangers, and made many new friends, as he traveled through Europe, the Middle East, and Asia.

Upon returning home, Phil was drafted into service during the Vietnam war. As fate would have it, though, he was not sent to Vietnam but instead stationed in Heidelberg, Germany, where he worked as a code-breaker in the U.S. Army.

After serving in the Army, Phil lived for a few years in Makaha, HI. He attended the University of Hawaii in Honolulu, and married Lisa Gayle Tatsumi.

Not long after this, Phil would embark on another adventure, moving with his wife and newborn son to Kodiak Island in Alaska. Here, the young family would live in a log cabin in the woods of Island Lake, and Phil would pursue a career as a commercial fisherman. It was a career that would span 40 years. During this time, Phil would see firsthand the boom and bust of the lucrative Kodiak king crab industry from the 1960s to the early 1980s as well as the recordbreaking salmon prices of the late 1980s. He would participate in the cleanup efforts that followed the disastrous Exxon Valdez oil spill of 1989 and the frantic derby-style halibut seasons that were phased out in the 1990s. Phil was one of the pioneers of the potcod fishery in Kodiak. Cod fishing had previously been dominated by large trawlers. Over the years, Phil saw fortunes made and friends perish in dangerous waters. He owned three fishing boats at different times during his career, all of which he named the ''Lisa Gayle'' after his wife.

Phil had a tireless work ethic, a great sense of humor, and a warm heart. He was a modest man and the last to expect his life story would be told on the floor of the U.S. Senate. His bold spirit is emblematic of that of many Alaskans who come to our State with big dreams and a taste for adventure.

Phil lost his battle to cancer earlier this month at the age of 65. He is survived by his loving wife Lisa and proud sons Philip Junior and Mark. Philip Junior is a computer engineer and Mark, a member of my staff.

May you find calm seas and beautiful new horizons, Phil. You will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 415. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

H.R. 5959. An act to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces.

The message further announced that the House insists upon its amendment to the bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Mr. FRANK of Massachusetts, Ms. WATERS, Mr. WATT, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. BACHUS, Mrs. CAPITO, and Mr. PEARCE.

The message also announced that the House has agreed to the amendment of the Senate to the text of the bill (H.R. 3890) to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban in applicable, expand the blocking of assets and other prohibited activities, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

MEASURES REFERRED ON JULY 16, 2008

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3032. An act to amend the Federal Election Campaign Act of 1971 to permit candidates (for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on Rules and Administration.

H.R. 6296. An act to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission; to the Committee on Rules and Administration.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 299. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Relations.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 415. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

H.R. 5959. An act to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7137. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, a 2008 Annual Report on the threats posed by weapons of mass destruction, ballistic missiles and cruise missiles; to the Committee on Armed Services.

EC–7138. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting notification of the Department's decision to cancel the public-private competitions for the Naval Supply Systems Command's Fuels Services in Jacksonville, Florida, Puget Sound, Washington, and Pearl Harbor, Hawaii; to the Committee on Armed Services.

EC–7139. A communication form the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting notification of the Department's decision to cancel the public-private competitions for the Naval Supply Systems Command's Fuels Services in three locations; to the Committee on Armed Services.

EC–7140. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, its semiannual Monetary Policy Report; to the Committee on Banking, Housing , and Urban Affairs.

EC–7141. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for Amendment 30A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico'' (RIN0648-AV34) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers'' (FCC 08-151) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations beginning with USCG-2008-0065)'' (RIN1625-AA00) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Patapsco River, Middle Branch, Baltimore, MD'' ((RIN1625-AA87)(USCG-2008-0272)) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone'' ((RIN1625-AA00)(USCG-2008-0218)) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone Regulation: Waters Adjacent 10th Avenue Marine Terminal, San Diego, CA'' ((RIN1625–AA87)(USCG–2008–0569)) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Chief of Regulations and Administrative Law, U.S.

Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping; Technical, Organizational, and Conforming Amendments'' ((RIN1625–ZA18)(USCG–2008–0394)) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 9 regulations beginning with USCG–2008–0146)'' (RIN1625–AA00) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 13 regulations beginning with USCG–2008–0048)'' (RIN1625–AA09) received on July 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Director, Regulatory Management Division, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Malfunctions; Common Provisions Regulation'' (FRL No. 8573–5) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7151. A communication from the Director, Regulatory Management Division, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxirane, 2-methyl-, polymer with oxirane, mono [2–[2–(2–butoxymethylethoxy) methylethoxy] methylethyl] ether; Tolerance Exemption'' (FRL No. 8371–7) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7152. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution'' ((RIN2060–AO99)(FRL No. 8693–9)) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7153. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus thuringiensis Modified Cry1Ab Protein; Exemption from the Requirement of a Tolerance'' (FRL No. 8371–6) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7154. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8–Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Snyder County Area'' (FRL No. 8692–9) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7155. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvanian; Section 110(a)(1) 8–Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Lawrence County Area'' (FRL No. 8693–1) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7156. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Northumberland County Area'' (FRL No. 8693–3) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7157. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Juniata County Area'' (FRL No. 8693–4) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7158. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Marine Vessel and Barge Loading'' (FRL No. 8693–5) received on July 15, 2008; to the Committee on Environment and Public Works.

EC–7159. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''REMIC Residual Interests—REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders)'' ((RIN1545–BB84)(TD 9415)) received on July 15, 2008; to the Select Committee on Ethics.

EC–7160. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update to Rev. Proc. 2007–72'' (RP–127833–08) received on July 15, 2008; to the Committee on Finance.

EC–7161. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Elections Regarding Start-up Expenditures, Corporation Organizational Expenditures, and Partnership Organizational Expenses'' ((RIN1545–BE78)(TD 9411)) received on July 15, 2008; to the Committee on Finance.

EC–7162. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed agreement for the export of defense articles, including technical data, and defense services to the Government of Singapore to support the Singapore Air Force F–16 Block 52C/D Aircraft Program; to the Committee on Foreign Relations.

EC–7163. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification involving the export of defense articles to the Royal Thai Navy; to the Committee on Foreign Relations.

EC–7164. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of the export of defense articles, including technical data, and defense services to Canada and the Republic of South Korea to support the manufacture of Printed Wiring Boards; to the Committee on Foreign Relations.

EC–7165. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, which requires that international agreements other than treaties entered into by the United States be transmitted to the Congress within sixty days after the agreement has entered into force with respect to the United States (List 2008–104—2008–115); to the Committee on Foreign Relations.

EC–7166. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual performance report for fiscal year 2007 relative to the collection of user fees from manufacturers who submit certain applications to market medical devices; to the Committee on Health, Education, Labor, and Pensions.

EC–7167. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the fiscal year 2007 Performance Report from the Office of Combination Products; to the Committee on Health, Education, Labor, and Pensions.

EC–7168. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Head Start Monitoring for Fiscal Year 2006''; to the Committee on Health, Education, Labor, and Pensions.

EC–7169. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Office of Inspector General, Department of Education, received on July 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7170. A communication from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Law and Order on Indian Reservations/Courts of Indian Offenses and Law and Order Code'' (RIN1076–AE67) received on July 15, 2008; to the Committee on Indian Affairs.

EC–7171. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report on Applications for Delayed-Notice Search Warrants and Extensions; to the Committee on the Judiciary.

EC–7172. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Statement of the Case'' (RIN2900–AM49) received on July 15, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2507. A bill to address the digital television transition in border states (Rept. No. 110-424).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. KOHL, and Mr. SMITH):

S. 3278. A bill to amend the Internal Revenue Code of 1986 to provide that no loan may be made from a qualified employer plan using a credit card or other intermediary

and to limit the number of loans that may be made from a qualified employer plan to a participant or beneficiary; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. SUNUNU):

S. 3279. A bill to provide funding for the Low-Income Home Energy Assistance Program, and to amend the Internal Revenue Code of 1986 to deny the deduction for income attributable to domestic production of oil, gas, or primary products thereof for major integrated oil companies; to the Committee on Finance.

By Mr. INHOFE:

S. 3280. A bill to increase refining capacity and the supply of fuel, to open and preserve access to oil and gas, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 3281. A bill to improve air quality by expanding the use of low-emission natural gas as a transportation fuel; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3282. A bill to amend the Energy Policy Act of 2005 to provide assistance to States to establish and implement response plans to address rising heating oil, natural gas, diesel, and other energy costs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. BAUCUS, and Mr. ENZI):

S. 3283. A bill to award a congressional gold medal to Dr. Joseph Medicine Crow, in recognition of his especially meritorious role as a warrior of the Crow Tribe, Army Soldier in World War II, and author; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARPER (for himself, Mr. VOINOVICH, and Mr. LEAHY):

S. 3284. A bill to amend the Internal Revenue Code of 1986 to permanently extend the estate tax as in effect in 2009, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3285. A bill to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period in which it can participate is extended by 24 months; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWN:

S. 3286. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 3287. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. BAUCUS, Ms. SNOWE, Mr. DOMENICI, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. KENNEDY, Mrs. DOLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. KERRY, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mrs. MURRAY, Mr. AKAKA, Mr. DURBIN, Mr. CASEY, Mr. SANDERS, Mr. DODD, Ms. LANDRIEU, Mrs. CLINTON, Mr. REED, Mrs. LINCOLN, Mr. INOUYE, Mr. OBAMA, Mr. KOHL, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, Mr. BIDEN, Mr. LEVIN, Ms. STABENOW, Mr. SALAZAR, Mr. SUNUNU, Mr. BYRD, Ms. KLOBUCHAR, and Mr. TESTER):

S.J. Res. 44. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08-003, dated May 7, 2008, from such Center; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. CARDIN):

S. Res. 615. A resolution urging the Government of Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate of the Orthodox Christian Church; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 439

At the request of Mr. REID, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 604

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 911

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1048

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1048, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes.

S. 1232

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide

for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1942

At the request of Mr. HARKIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1942, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2303

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2561

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2561, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2795

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3021

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3021, a bill to amend title 49, United States Code, with respect to length and weight limitations for buses, trucks, and other large vehicles on Federal highways, and for other purposes.

S. 3068

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3068, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3083

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3083, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, and for other purposes.

S. 3142

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3142, a bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3164

At the request of Mr. MARTINEZ, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 3164, a bill to amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. BIDEN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3223

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S. 3248

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3248, a bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes.

S. 3268

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself and Mr. SUNUNU):

S. 3279. A bill to provide funding for the Low-Income Home Energy Assistance Program, and to amend the Internal Revenue Code of 1986 to deny the deduction for income attributable to domestic production of oil, gas, or primary products thereof for major integrated oil companies; to the Committee on Finance.

Mr. GREGG. I want to talk about the specific reason I have come to the floor, which is to talk about the fear, quite honestly, in colder States in this country about how we are going to get through the winter. The price of home heating oil, which is the dominant form of energy in our State, the way people keep their houses warm and habitable in the winter, has tripled. People who are working for a living, and low-income individuals, have no idea how they are going to meet the cost of their energy bill this winter. It is going to overwhelm us as a region. We need to do something about it. There are a couple of levels where we need to act. We do need to increase significantly the funding for low-income energy assistance. This is a crisis. The simple fact is we should increase that funding.

At the same time, we do need to do that in a responsible way, by paying for that increase in funding so we do not end up putting the cost of buying energy to heat homes today on our children and our children's children tomorrow. That is not fair to them. So we ought to come forward with a proposal. What I am going to do today is introduce a bill which increases home heating oil assistance by $2.5 billion, which will double that program, but pays for it in a reasonable way, essentially by repealing the section 199 regulation that gives certain deductions to energy production companies which they no longer need with oil being at $130 a barrel.

It is a significant increase in funding. It is a level that Senator SANDERS has introduced in a bill, freestanding, that is not paid for, which I have also cosponsored, because I hope when that bill comes forward, I will be able to offer my pay-fors to it. But it is the number we need and we clearly have to have in order to have any chance this winter of making sure that low-income people in New Hampshire and throughout the Northeast and the country can survive this winter in a reasonable way.

Secondly, we need to address the issue of middle-income Americans, people in New Hampshire who are working for a living and who do not meet these low-income thresholds, who have an equal amount of fear about how they are going to pay for the energy to heat their home, when they see the cost of their energy bill double or triple or maybe even quadruple.

I hope to have next week a tax credit that will be available to those working families who are of moderate income, who have an income which they cannot adjust enough in order to be able to absorb the huge cost of this event of the runup in the cost of energy. I hope to be able to introduce that in the near future. But today I am introducing this bill, which increases home heating assistance, the LIHEAP program, by $2.5 billion and pays for it, which is the responsible way to do it. In addition, I am strongly supporting Senate initiatives which will increase our commitment to the production as a nation and conservation. Because by doing that, we will draw down, we will significantly reduce the price of gasoline and the price of oil in our country. Because that speculation, which is legitimate, which is based off the projected demands and the lack of supply, will adjust to the fact that greater supply is going to come into the market. That will reduce the forces which are forcing the price demands up and as a result have a positive impact on reducing the cost of a barrel of oil.

We need to do a lot around here. We do need to address speculation when it is there and when it is inappropriate and when it is driving up the price in an arbitrary and unfair way. We also need to address the issue of more production and create more production. We are looking for energy where we can do it safely and energy efficiently and also in an environmentally sound way, such as offshore or with oil shale.

We have more oil shale reserves than Saudi Arabia—three times Saudi Arabia's reserves we have in three States: Wyoming, Idaho, and Colorado. And we should not be sending our hard-earned money to countries, which in many instances do not even like us to purchase their oil products. We should be buying it here in the United States where we can produce it. In addition, of course, we need to aggressively pursue a course of conservation and renewables.

I wish to note that the title of this bill is the Home Energy Assistance Today Act, or HEAT. Obviously, the purpose of this bill is to make it possible for citizens throughout the country, but especially in New England, who are of low income, to be able to heat their homes this winter and to afford the cost of the energy it takes to heat their homes.

By Mr. INHOFE:

S. 3280. A bill to increase refining capacity and the supply of fuel, to open and preserve access to oil and gas, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am introducing two pieces of legislation today, S. 3280 and S. 3281. In one bill I join with my colleagues in proposing legislation to open new development in ANWR, offshore, the Rocky Mountain oil shale, and preserves access to development in the Canadian tar sands. It also contains my Gas PRICE Act, which streamlines, implements deadlines, and offers EDA grants to communities to encourage development of refineries involved in coal liquification or coal to liquids processing, renewable fuels, and crude oil and other petroleum products. It also includes accelerated depreciation for cellulosic biofuel plant property for facilities and equipment used to produce switchgrass and other dedicated energy crop seed for the developing cellolosic biofuels industry. Finally, it includes a third title which I am also introducing as a free standing bill, the Drive America on Natural Gas Act.

The Drive America on Natural Gas Act expands RFS Definitions.

The bill expands the definition in the Renewable Fuels Standard to allow the use of CNG and LNG fuels to meet the mandates.

The current corn based ethanol mandate is overly aggressive with mounting questions surrounding ethanol's effects on world food prices, livestock feed prices, its economic sustainability, its transportation and infrastructure needs, its water usage, and numerous other environmental issues.

By broadening the scope of the Renewable Fuels Standard to include natural gas, we encourage the use of a proven, clean, and economical alternative fuel and also make the current RFS mandates achievable.

Additionally, it sends a signal to the Nation's automakers and fuels industries that natural gas is a competitive option as a mainstream transportation fuel.

GM, Ford, and Chrysler already make natural gas powered vehicles, yet they don't sell them in the States. GM alone already makes 18 different NGV models. But, Honda is the only current manufacturer which sells a natural gas vehicle in America—the Honda Civic GX.

Broadening the RFS will encourage more auto manufacturers to sell these vehicles domestically which will help our struggling auto manufacturing industry.

The bill broadens the Alternative Vehicle Tax Credit to include bi-fuel vehicles.

Currently only ''dedicated'' vehicles or vehicles which solely run on natural gas qualify for this credit. This narrow definition actually discourages the sale of bi-fuel vehicles—those which can run on both conventional fuels and natural gas fuels.

Americans need the flexibility to use conventional gasoline as a back-up if there are no natural gas refueling stations in a given area.

By encouraging bi-fuel natural gas vehicles, less gasoline and diesel would be consumed. How?

Today, the largest hurdle facing the NGV industry is the lack of natural gas refueling stations available to the public. However, a device is now manufactured and sold, called the Phill, which allows a person to fill up their natural gas powered cars at home.

Installed in one's garage, the Phill is connected to a home's natural gas line.

Once plugged into a CNG car, it slowly compresses natural gas into the car's tank.

Similar to the idea of plug-in hybrids, the Phill allows consumers to refuel at home. Unlike plug-in hybrids, this technology is not a few years away—it is here today.

By encouraging bi-fuel vehicles, more Americans will be comfortable purchasing natural gas powered cars which can also run on conventional gasoline for that occasional long distance trip from home.

Expanding the Alternative Vehicle Tax Credit to include bi-fuels will greatly incentivize the use of NGV's and give consumers the flexibility they require.

The bill establishes a Natural Gas Vehicle Research, Development, and Demonstration program.

Several years ago, the Department of Energy had a robust Natural Gas Vehicle Research Development and Demonstration program. This bill once again establishes that program to research, improve and develop the use of natural gas engines and vehicles.

The program will assist manufacturers in emissions certification, will develop and improve nationally recognized safety codes and standards, will examine and improve the reliability and efficiency of natural gas fueling station infrastructure, and will study the use of natural gas engines in hybrid vehicles.

Additionally, it requires the Department of Energy and the EPA to coordinate with the private sector to carry out the program.

The bill directs the EPA to establish a State demonstration program to streamline the regulations and certifications currently required for the conversion of vehicles to natural gas.

Today's regulatory burdens are daunting for those in the business of converting vehicles to run on CNG or LNG. Currently, the EPA imposes virtually the same certification requirements on NGV aftermarket conversion systems as they require on automakers.

Since NGV systems are inherently cleaner than gasoline systems, these regulations impose huge unnecessary costs on these conversion system makers.

This bill directs EPA to establish a State demonstration program to streamline the current certification process for NGV conversions. It also directs EPA to waive unnecessary requirements for the continual recertification of conversion kits and to waive emission certification for conversion of older vehicles.

Most importantly, the Drive America on Natural Gas Act doesn't dictate that consumers, businesses, or States must use natural gas as a transportation fuel.

To the contrary, this bill actually adds more flexibility to the current RFS mandates.

It removes the disincentives for auto manufacturers to produce bi-fuel vehicles.

It streamlines and eliminates the government bureaucracy and red tape on the conversion of vehicles to operate on natural gas.

The Drive America on Natural Gas Act will allow natural gas to compete on its own merits. Americans can ultimately choose whether natural gas powered vehicles are right for their own individual and business needs.

The promise of natural gas as a mainstream transportation fuel is achievable today, not 15 or 20 years from now.

Currently, over 25 different manufacturers produce nearly 100 models of light-, medium- and heavy-duty vehicles and engines for the U.S. market. However, only Honda sells a domestically available CNG car.

Over 10,000 transit buses in the U.S. are natural gas powered and the market is growing; nearly one-in-five new transit buses on order is specified to be natural gas powered.

There are over 7.5 million NGVs on the road worldwide—more than double the number in 2003. The International Association of NGVs forecasts that, by 2020, there will be 65 million NGVs worldwide.

In April, the Department of Energy reported that the average nationwide price of a gallon of gas equivalent of CNG was just $2.04 per gallon.

In some regions of the country prices are even lower—CNG costs in Rocky Mountain states average just a $1.26 per gallon.

Many state and local governments, businesses, and consumers have cut their fuel bills by more than half when utilizing natural gas as a transportation fuel.

In my hometown of Tulsa, OK a person can refuel their CNG powered cars for just 90 cents per gallon. Regular gas currently costs $3.95. That's more than a $3 savings per gallon.

Just last month I was pleased to visit Tom Sewall of Tulsa Natural Gas Technologies, Inc. As a small business owner who installs natural gas refueling stations, he is one of the most knowledgeable and vocal leaders in this growing industry.

America has a huge natural gas supply base. In 13 of the last 14 years, the amount of new natural gas discovered in the U.S. has exceeded the amount that has been extracted.

Raymond James Equity Research recently reported a ''bearish outlook for U.S. natural gas prices.'' After examining the future supply of domestic production, they released a May 19, 2008 energy report which concluded ''we continue to see unprecedented growth in U.S. gas production that will eventually overwhelm the U.S. gas markets.''

Thanks to advancements in oil and gas exploration, drilling, and production technologies, America is producing huge amounts of natural gas from tight shales, coalbed methane and tight gas plays, in areas such as: The Barnett Shale in North Central Texas; the Marcellus and Huron Shales, which run through West Virginia, Pennsylvania, Ohio, and New York; the Haynesville Shale in Northwest Louisiana; the Fayetteville Shale in central Arkansas; the Woodford Shale in southern Oklahoma; the Pinedale Anticline and Jonah field in Wyoming; and the San Juan Basin CoalBed Methane play in northern New Mexico.

These and numerous other emerging gas plays promise to deliver decades of abundant domestic natural gas supply.

From compressed natural gas—CNG—powered cars, to 18-wheelers running on liquefied natural gas—LNG—no other commercially viable fuel burns cleaner.

The American Council for an Energy Efficient Economy has rated the natural gas powered Honda Civic GX as ''America's Greenest Car'' for the past 5 consecutive years—even greener than any available hybrid.

On a well-to-wheels basis, NGVs produce 22 percent less greenhouse gas than comparable diesel vehicles and 29 percent less than gasoline vehicles.

In 2007, NGVs displaced 250 million gallons of petroleum in the U.S. In the next 17 years, the industry's goal is to grow that to 10 billion gallons.

NGVs are the pathway to a hydrogen transportation system. Every NGV fueling station is a potential hydrogen fueling station. Every auto garage or maintenance facility that has been made NGV-compatible can quickly and cheaply be made hydrogen-compatible.

The medium-germ solution to today's gas price crisis is to explore and produce oil from ANWR, the Outer Continental Shelf, the Rocky Mountain oil shales, and preserve our access to the Canadian oil sands. That is why my comprehensive bill includes opening all these areas for exploration, along with a program to increase our refining capacity.

But, in the mean time the best way to bring down the price at the pump immediately is to pass this bill and run more cars on natural gas. Of course, the democrats have objected to increasing supplies of oil and gas for decades. They don't want more supply. There should be no objection from the democrats, and frankly I cannot think of any justification for opposing my Drive America on Natural Gas Act.

By Ms. LANDRIEU:

S. 3285. A bill to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period in which it can participate is extended by 24 months; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on behalf of some of our most in need gulf coast residents. Everyone around the country is familiar with the impact of Hurricanes Katrina and Rita on the New Orleans area and the southwest

part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted around the country and around the world. This is because Katrina was the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in United States history with over $81.2 billion in damage.

Everyone is familiar with the images and the cost, but they may not be too familiar with the impact on individual businesses. In particular, I am speaking about the affects of Hurricanes Katrina and Rita on minority firms in the gulf coast. As a result of these storms, many minority firms in the gulf coast were disrupted and thus lost valuable time for participating in the 8(a) program. The 8(a) business development initiative, created under the Small Business Administration, helps minority entrepreneurs access Federal contracts and allows companies to be certified for increments of 3 years. These contracts are vital to the revival of these impacted areas. However, as currently structured the program allows businesses to participate for a limited length of time, 9 years, after which they can never reapply nor get back into the program. It is imperative that we provide contracting assistance to our local minority businesses.

Today I am proud to sponsor legislation that will help these businesses recover from the effects of these storms. This bill, the Disadvantaged Business Disaster Eligibility Act would tackle this problem in three important ways. First, the bill extends 8(a) eligibility for program participants in Katrina/Rita-impacted areas in Louisiana, Mississippi, and Alabama by 24 months. Next, the bill would apply to any areas in the state of Louisiana, Mississippi and Alabama that have been designated by the Administrator of the Small Business Administration as a disaster area as a result of Hurricanes Katrina or Rita. Lastly, the bill would require the Administrator of the Small Business Administration to ensure that every small business participating in the 8(a) program before the date of enactment of the act is reviewed and brought into compliance with this Act. This requirement would ensure that any eligible previous 8(a) participants will be allowed back into the program. As such, these key provisions would ensure that these businesses continue to play a vital role in rebuilding their communities. I note that a similar bill has already passed the House of Representatives, with the strong support of the Louisiana House delegation. I would note though that my legislation differs from the House-passed bill in that my bill also covers businesses impacted by Hurricane Rita. While I support the House-passed bill, I feel that we must also cover businesses impacted by Hurricane Rita—particularly those in southwest Louisiana. For this and other reasons, I look forward to championing this bill here in the Senate.

Although recovery has been slow, it is my belief that great progress brings great change. The Small Business Administration has come a long way in correcting its failed practices. Congress recently stepped up and enacted wide-ranging SBA disaster reforms as part of the Farm Bill. I note that many of these reforms, such as the increases in loan limits and collateral requirements, were immediately helpful to disaster victims in the Midwest. It is my sincere hope that we can keep up this momentum by also passing the Disadvantaged Business Disaster Eligibility Act. To these ends, I will work with my colleagues on the Senate Small Business Committee, including Senators KERRY and SNOWE, respectively chair and ranking member of the committee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Disadvantaged Business Disaster Eligibility Act of 2008''.

SEC. 2. EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA OR HURRICANE RITA.

(a) RETROACTIVITY.—If a small business concern (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)), while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in subsection (b) of this section and was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period during which that small business concern is permitted continuing participation and eligibility in that program or activity shall be extended for 24 months after the date such participation and eligibility would otherwise terminate.

(b) PARISHES AND COUNTIES COVERED.—Subsection (a) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10205, or 10206.

(c) REVIEW AND COMPLIANCE.—The Administrator of the Small Business Administration shall ensure that the case of every small business concern participating before the date of enactment of this Act in a program or activity covered by subsection (a) is reviewed and brought into compliance with this section.

By Mr. DURBIN:

S. 3287. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today I am introducing the Protecting Consumers from Unreasonable Credit Rates Act. The bill establishes a Federal usury cap of 36 percent on all consumer credit transactions, in an effort to eliminate the unconscionable interest rates that some consumers have been charged for payday loans, car title loans, and other forms of credit.

The bill protects all borrowers by establishing the same annual percentage rate cap already in place for military personnel and their families. That rate is similar to the usury caps already enacted in many states.

Specifically, the bill establishes a maximum interest rate of 36 percent on all consumer credit transactions, taking into account all interest, fees, defaults, and other finance charges.

The bill clarifies that this cap does not preempt any stricter State laws.

It applies civil penalties for violations, including nullification of the transaction, fines, and prison.

It empowers attorneys general to take action for up to three years after a violation.

Previous attempts to curb payday lending have often been evaded due to the challenges of defining what constitutes a predatory loan. This bill overcomes this challenge by setting a relatively high interest rate as the cap, and then applying that cap to all credit transactions of any kind.

With the economy in decline and consumer debt skyrocketing, it is vitally important that strong protections against predatory lending be enacted to protect consumers against unscrupulous lenders. The financial security of many working families depends on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Consumers from Unreasonable Credit Rates Act of 2008''.

SEC. 2. NATIONAL MAXIMUM INTEREST RATE.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

''SEC. 140. MAXIMUM RATES OF INTEREST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the annual percentage credit rate, as defined in subsection (b), exceeds 36 percent.

''(b) ANNUAL PERCENTAGE CREDIT RATE DEFINED.—For purposes of this section, the annual percentage credit rate includes all charges payable directly or indirectly incident to, ancillary to, or as a condition of the extension of credit, including—

''(1) any payment compensating a creditor or prospective creditor for an extension of credit or making available a line of credit, or any default or breach by a borrower of a condition upon which credit was extended, including fees connected with credit extension

or availability, such as numerical periodic rates, late fees, excessive creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, over limit fees, annual fees, cash advance fees, and membership fees;

''(2) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

''(3) credit insurance premiums, whether optional or required; and

''(4) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

''(c) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

''(d) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or set off to an action to collect such debt or repossess related security at any time.

''(e) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

''(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

''(2) $50,000.

''(f) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and may obtain injunctive relief.''.

By Mr. ROCKEFELLER (for himself, Mr. BAUCUS, Ms. SNOWE, Mr. DOMENICI, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. KENNEDY, Mrs. DOLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. KERRY, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mrs. MURRAY, Mr. AKAKA, Mr. DURBIN, Mr. CASEY, Mr. SANDERS, Mr. DODD, Ms. LANDRIEU, Mrs. CLINTON, Mr. REED, Mrs. LINCOLN, Mr. INOUYE, Mr. OBAMA, Mr. KOHL, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, Mr. BIDEN, Mr. LEVIN, Ms. STABENOW, Mr. SALAZAR, Mr. SUNUNU, Mr. BYRD, Ms. KLOBUCHAR, and Mr. TESTER):

S.J. Res. 44. A joint resolution providing for congressional disapproval under chapter 8 of ''title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center; to the Committee on Finance.

Mr. ROCKEFELLER. I rise in solidarity with the chairman of the Senate Finance Committee, Senator BAUCUS, as well as Senator SNOWE, Senator LAUTENBERG, Senator MENENDEZ, and many others, to wit, 41 other people who are cosponsores, and to introduce a resolution of disapproval, that is the name on it, of the August 17 CHIP directive.

The directive jeopardizes health care coverage for hundreds of thousands of children, which is reason enough to nullify the August 17 directive. But it also undermines the authority and the prerogatives of the legislative branch of Government.

I would caution those who would otherwise vote against this to think about the precedence for the future and the next administration. We have not been treated well. It is not necessary that we will be treated well or with proper respect in the next administration. We need to exert our privileges where they are legitimate. It is further evidence of this administration's, in my regard, this Senator's regard, blatant disregard for the rule of law.

As many of my colleagues may remember, on August 17, 2007, I referred to it as a domestic health care day of infamy, the Center for Medicare and Medicaid Services, otherwise known as CMS, issued a ''guidance letter'' to the States, ostensibly to clarify existing policies and requirements for States seeking to expand the Children's Health Insurance Program, otherwise known as CHIP, coverage to more children, which is what we are meant to be doing here.

However, the practical effect of the letter will be to drastically increase the number of uninsured children, children who should rightfully be covered by CHIP and who otherwise could benefit from the program. The directive has already taken a substantial toll on State coverage initiatives for uninsured children. Since it was issued, the directive has caused a diverse array of States, including Indiana, Louisiana, Ohio, and Oklahoma, that had planned to provide affordable coverage options for uninsured children through CHIP or Medicaid, in fact, to delay or scale back, or State fund their initiatives, if they can afford to so do.

As a result, tens of thousands of children have already missed out on coverage. By August, the directive will affect at least 22 States, including my own State of West Virginia. Hundreds of thousands of children, in red and blue States alike, will lose coverage immediately, if this directive goes into effect.

The directive goes directly against the will of the Congress. It was an act by a Cabinet officer or one of his minions, and it is not legal.

In addition to harming innocent children, the August 17 directive also undermines congressional authority. I am very sensitive about that after these last 7½ years. In 1996, Congress passed what is called the Congressional Review Act, to protect the integrity of the legislative branch from the whims of Federal agencies or midlevel bureaucrats or upper level bureaucrats. The Congressional Review Act requires Federal agencies—requires Federal agencies—to submit any rules covered by the act to Congress and the Comptroller General of the United States before that rule can take affect. Both the Congressional Research Service and the Government Accountability Office have determined that the August 17 CHIP directive constitutes a rule—a rule—as defined in the Congressional Review Act.

Therefore, CMS has to submit the August 17 rule to each House of Congress and the Comptroller General before it can take effect. We are exactly 1 month from implementation of this harmful policy, and CMS has repeatedly failed to comply with the statutory requirements of the Congressional Review Act.

It is an outrage. It is embarrassing. It is pathetic policy, damaging policy to innocent children who do not start wars and only need to start off in life healthy. If CMS is so convinced that the policy is justifiable, then they should take the required steps suggested by the GAO and the CRS in their review and abide by the law.

Not all my colleagues may agree with me on the substance of this issue. Some may believe that the August 17 policy CMS put forth in this guidance letter is perfectly acceptable. That is fine. That is up to them. On that we disagree.

But we should all be able to agree—in fact, we have no choice but to agree, all of us—that CMS violated the proper process required by law. They did not submit to the proper agencies or to the Congress what they intended to do surreptitiously and devastatingly.

If you respect Congress, as an institution, which I know all my colleagues do, then I urge you to support this formal resolution of disapproval. The health care coverage of millions of children depends on what we do on this.

This is not a sense-of-the-Senate resolution. This is a motion of disapproval and it will cause things to happen or to be ignored and it will have consequences. But we can reverse the August 17 decision and allow children to get health insurance as the Congress intended if we simply vote for this at the proper time.

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

Mr. LAUTENBERG. Mr. President, I thank you, and I commend the Senator from West Virginia, Mr. ROCKEFELLER, for his leadership in this matter.

I rise in strong support of the resolution that was introduced by myself, Senators ROCKEFELLER, BAUCUS, MENENDEZ, SNOWE, and others. Our resolution has a simple message: We have

to ensure that children across this country continue to get the health care they presently carry.

The Bush administration is conducting an assault on their health insurance. It is pitiful. Last year, the President and his supporters went around Congress and issued a set of rules that would take this critical health care coverage away from thousands of children across this country.

In my State of New Jersey alone, 10,000 children are at risk of losing their health insurance under this new Bush plan. Across this country, 250,000 children will be stripped of their health care, have it taken away from them.

In August, with nearly 50 million Americans without health insurance, this administration has made a further decision to add tens of thousands more children to the ranks of the uninsured. It is almost impossible to conceive.

Well, this resolution would put a stop to the dangerous plan. The Bush administration's plan is not just morally bankrupt, it is, as we heard from Senator ROCKEFELLER, according to the Government's watchdog agency, the GAO, the Government Accountability Office, a violation of Federal law. They are committing a violation of Federal law.

But, nevertheless, unless Congress acts, the President's plan is going to remove health insurance from these children in the next month. I have twice offered amendments in the Senate Appropriations Committee on this issue. Both times in the full committee, both Democrats and Republicans have gone on record to oppose President Bush's attempt to take away children's health care.

It does not matter whether it is Republican or Democratic, it is the wrong thing to do at the wrong time in our society, when things are so uncertain for people, home ownership, jobs, living costs, gasoline costs. This is not a very wise decision at any time, but during these tough economic times, the last thing we should do is take away health insurance from our children.

I urge my colleagues to stand up to this sustained and shameless effort to prevent children from seeing a doctor, getting medicine, overcoming sickness, and to support this resolution.

Once again, I express my gratitude to the Senator from West Virginia, Mr. ROCKEFELLER, and his leadership and those who have joined in to say: No, Mr. President, do not do this. It is unkind. It is unfair. It is illegal, according to the rules. Please, do not do it.

I ask my colleagues to stand and support our resolution.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I note a number of my colleagues are on the floor to speak in favor of the resolution. I ask unanimous consent that the full text of the resolution be printed in the RECORD immediately following all these statements on the resolution.

There being no objection, the text of the joint-resolution was ordered to be placed in the RECORD, as follows:

S.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Secretary of Health and Human Services relating to requirements set forth in the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center, requiring States that expand the income eligibility level for children under the State Children's Health Insurance Program (SCHIP) above 250 percent of the Federal poverty level to adopt the 5 crowd-out strategies described in the August 17, 2007, letter with the components identified therein, and to provide certain assurances described in such letter, and such rule shall have no force or effect.

Mr. MENENDEZ. I wish to join my distinguished colleague from West Virginia, Senator ROCKEFELLER, who has been a champion on this issue from its creation and continues to be a champion to preserve the health care for some of the most vulnerable children in our society.

I appreciate his leadership, and I am privileged to join with him in this effort along with Senator BAUCUS, the chairman of the Senate Finance Committee; my colleague from New Jersey, Senator LAUTENBERG, who has tried time and time again through the appropriations process; Senator SNOWE, who has been a champion on this issue as well. We understand the consequences.

Eleven months ago today, the Bush administration decided to jeopardize health coverage for hundreds of thousands of children across the country. The Centers for Medicare and Medicaid Services sent a letter to all State health officials announcing that 1 month from today, States will be pressured to cover a much narrower range of families. They based their directive on an unfair financial standard that would exclude hundreds of thousands of children in the most difficult economic circumstances of our time. The result of that directive would be unconscionable. It would mean hundreds of thousands of terrible stories—a child with diabetes that goes undiagnosed, a child with a cleft palate she has to live with for the rest of her life, missed tetanus shots, untreated allergies, asthma, and hundreds of thousands of small, painful situations that would add up to a wave of tragedy too immense to imagine.

Many of us in this Chamber decided we were not going to sit back and watch this happen. We sent letters. We introduced legislation. We shouted as loudly as we could. But the President did his best to ignore us and keep his back turned on these children.

In 1 month, this unbelievably harmful rule is set to come into effect. In 1 month, States will have to overcome seemingly insurmountable hurdles if they want to cover children above 250 percent of the poverty level. In 1 month, the strength of our values will be seriously called into question.

If it weren't for this program, these children would fall between the cracks. They are not in dire enough poverty to qualify for Medicaid, but their working parents still don't have enough to afford private coverage. The families we seek to cover work hard every day, in some of the toughest jobs, but they work at jobs that offer no health care. These families certainly don't make enough money to afford private coverage. The State Children's Health Insurance Program is their last resort. That is why I am still shocked at the nerve of this administration when they unilaterally issued this harmful, cold-hearted directive on children's health. Where are those values I have heard the administration talk about? This really boils down to a different set of priorities. It is yet another example of placing some of the wealthiest above our working families.

If the President's directive takes effect, he is effectively saying tough luck to these families; go ahead and roll the dice with your daughter's health care. Let's think about what that says about our values. That kind of sentiment is completely out of line.

But that is not the only reason this directive should be overturned. The directive is not just a violation of our values, it is a violation of the law. The administration bypassed Congress and violated the Congressional Review Act when issuing this directive. The Government Accountability Office and the Congressional Research Service have issued legal opinions stating as much. The opinions conclude that the directive is not merely a clarification of existing SCHIP rules, as CMS has maintained, but, rather, a marked departure from well-settled policy that first should have been reviewed by Congress. That is why we are introducing this resolution of disapproval regarding the August 17 CHIP directive.

The President cannot be allowed to get away with this destructive backdoor policy. If we can't convince him on moral grounds, if we can't make him see the benefits of providing health care to children—and by the way, in New Jersey we have letters from the administration that not only gave us the authority to do this in the first place, to cover these children, but then also lauded our program and said it should be a model for the country; if it is a model for the country and you gave us the legal authority, how can you just take all those children off the rolls—then we call him out on procedural grounds. And the administration's procedure was, quite simply, illegal.

When this resolution passes into law, the August 17 directive will be nullified. That is my ultimate goal, to protect the health of our Nation's children and, certainly, the many children in New Jersey affected by this directive. The goal we strive for should be to

cover more, not fewer, children. I believe we have a responsibility, a moral, financial, and professional responsibility to ensure that in the greatest country in the world, no child goes to bed at night without proper health care and treatment. That means we must provide them with health coverage. If we don't, what are these families supposed to do? In these tough economic times, now more than ever, we need to support States that offer options for affordable coverage to hard-working parents and their children.

It is not just the health of our Nation's children but the health of our values that is at stake. I hope our colleagues, when this resolution comes up for a vote, will give it an overwhelming level of support, and we will send the right set of messages as to our values as well as how much we appreciate our children as the future of our country and the health that is associated with them that will be necessary for them to achieve their God-given potential.

Mr. BAUCUS. Mr. President, today, Senator ROCKEFELLER and I, along with many of our colleagues, are introducing a joint resolution disapproving of an administrative rule related to the State Children's Health Insurance Program, known as CHIP. I urge my colleagues to support the joint resolution.

I spent a lot of time talking about CHIP last year. We tried to expand and improve the program, so that it could help millions more kids across America. I remain disappointed that the President vetoed both of the reauthorization packages that Congress sent him. But I also remain committed to fighting for CHIP and the families whom it serves.

That is why I am here today. Last summer, while House and Senate Democrats and Republicans were crafting reauthorization legislation, the administration issued what is known as the August 17th CHIP directive. The directive imposes significant new requirements on States wishing to expand eligibility for CHIP to kids from families with incomes above 250 percent of the Federal poverty line.

The directive was viewed as overly restrictive and severe. It imposes unrealistic hurdles on States wishing to cover more kids under CHIP. The timing of the directive's release was seen as unfair, given that work on reauthorization was well underway. The process surrounding issuance of the directive also caused concern. Congressional reaction to the directive was so negative that we included in the CHIP reauthorization legislation a more reasonable alternative policy that would have supplanted the directive.

The administration issued the directive in the form of a letter to State health officials. While the administration has the authority to use sub-regulatory letters for some things, it exceeded its authority on August 17, 2007. The CHIP directive letter was actually a rule. And the administration should have promulgated it as a rule. Both the Government Accountability Office and the Congressional Research Service determined that the directive is a rule.

That the directive is a rule is significant, because of the Congressional Review Act. Congress passed the Congressional Review Act to protect and empower Congress. Congress meant for the law to keep Congress informed of the administrative rulemaking process. Congress meant for the law to provide an opportunity for Congress to review rules before they take effect.

The Congressional Review Act requires an agency, prior to publishing a rule, to submit a copy of the rule to both Houses of Congress and to the Comptroller General. In this instance, the agency did not submit its rule to either House of Congress or to the Comptroller General. So Congress was deprived of its opportunity for review.

This was a violation of fair process. We should not tolerate it. Members of Congress should stand up for themselves and the institution by supporting this joint resolution. The Congressional Review Act imposes specific obligations on agencies and vests Congress with certain powers.

On August 17, 2007, one agency attempted to ignore its obligations and Congress. The agency attempted to circumvent the process established by the Congressional Review Act. And the agency should not be rewarded.

Congress should disapprove of this rule because the substance is so overreaching and detrimental to America's kids. And Congress should also disapprove of this rule because it was issued in a way that was inconsistent with the law.

This resolution is a way to tell low-income American families that they matter. This resolution is a way to say that Congress is willing to fight for them.

I know that my home State of Montana is trying to expand its eligibility for CHIP. I support that effort. For me, this joint resolution is another way to show how important CHIP is to Montana's kids.

The resolution is also a way for Congress to send the message that it expects agencies to comply with the law. Congress should stand up for itself and disapprove of this rule, because it was, not promulgated properly.

I urge my colleagues to support this joint resolution.

Mr. CASEY. Mr. President, I rise to speak in favor of a joint resolution of which I am a cosponsor, the joint resolution disapproving the rule requirements in the CMS letter that was sent in August of 2007, sent on a Friday during recess. It earned the nickname ''the midnight massacre'' because of the nature of the way that was sent. But I think a better way to describe this, in terms of the impact it has on children, is a ''thief in the night.''

What we are talking about is an effort by a Federal agency to deny health coverage for children under the guise of some bureaucratic inside-the-beltway rationale. What this directive does is set unfairly high bars for States, which the Federal Government knows they cannot reach, and is purposefully, I think, denying children health care. It also sets a waiting period for children and their families in States. At the same time, when the Federal Government makes all kinds of accommodations for the powerful, they let children and their families wait for health care coverage.

This directive bypassed Congress and violated the law. It excluded States, and it is not any kind of clarification, as the administration has asserted. Hundreds of thousands of children will lose their health insurance coverage. Several States have already been affected. In my home State of Pennsylvania at least—if not more—2,000 children will lose their health insurance coverage. It also undercuts an agreement in Congress to do something about this and to keep this Children's Health Insurance Program in place until March of 2009.

This is very simple. We are talking about children who are poor, who come from poor families or middle-income families. Children's health insurance is a program that works. We have had a decade of experimentation. It works very well. It is efficient. It is effective. It delivers health insurance for children, and there are a lot of families out there, a lot of mothers out there, who can do everything for their children; they can provide nurture and care and safety. One thing a mother cannot provide for her child is health care, unless she gets some help, just a little bit of help from the Federal Government, with all the power.

So I would say to the administration, turn back against this bureaucratic, inside baseball, ''thief in the night'' and make sure these children get the coverage they deserve, just like the rest of us in Congress. We get pretty good health care coverage. It is about time more people in the Senate, in the House, and down the street in the administration stood up for children and did away with this directive.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 615—URGING THE GOVERNMENT OF TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCHATE OF THE ORTHODOX CHRISTIAN CHURCH

Mr. MENENDEZ (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 615

Whereas the Government of Turkey has sought membership in the European Union and maintains strong bilateral relations with the United States Government;

Whereas the accession of Turkey to the European Union will depend on its adherence

to the Copenhagen criteria that require candidate countries to have achieved stability of governmental institutions that guarantee human rights and that respect and protect minorities, including religious minorities such as Orthodox Christians;

Whereas, on August 2, 2007, European Union Enlargement Commissioner Olli Rehn indicated that Turkey must achieve ''concrete results in areas of fundamental freedoms such as . . . religious freedom'';

Whereas the Ecumenical Patriarchate and its Sacred See is the spiritual head for tens of millions, a valuable place of great historic significance to hundreds of millions where much of the New Testament and sacred creeds, including the Nicene Creed, were codified, and as the head of the largest Christian Church headquartered in a majority Muslim country, a critical link between Christians and Muslims;

Whereas the United States was founded on the concept of religious freedom and has maintained its support for such freedom throughout its history;

Whereas the practice of religious freedom of millions of Orthodox Christians in the United States is dependent on the religious freedom of the spiritual head of their faith;

Whereas the United States Government has expressed its emphatic support for full religious freedom for the Ecumenical Patriarchate through numerous statements by both Democratic and Republican Presidents, in letters signed by the extraordinary number of 73 of 100 United States Senators and 42 of 50 members of the Foreign Affairs Committee of the House of Representatives, and in reports of the Department of State, the Helsinki Commission, and other government agencies;

Whereas Ecumenical Patriarch Bartholomew gathered international religious leaders soon after the September 11, 2001, terrorist attacks on the United States, and produced the first condemnation of the attacks as ''anti-religious'';

Whereas the Ecumenical Patriarch Bartholomew was awarded the Congressional Gold Medal, the highest civilian award bestowed by Congress;

Whereas the international community places particular importance on safeguarding and promoting religious freedom as is expressed in the creation of a Special Rapporteur on Freedom of Religion or Belief in the Office of the High Commissioner for Human Rights of the United Nations, in the ''Declaration of Principles Guiding Relations between Participating States'' principle VII, paragraph I of the Helsinki Commission, and in most highly regarded international organizations;

Whereas the Government of Turkey does not recognize the Ecumenical Patriarch as ecumenical, interferes with the process of selecting the Ecumenical Patriarch by requiring that the Patriarch be a citizen of Turkey, thereby restricting candidates due to the gradual disappearance of eligible Orthodox Christians who are citizens of Turkey; and

Whereas the Government of Turkey has confiscated without compensation significant quantities of property belonging to the Ecumenical Patriarchate and closed its seminary at Halki: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its view that the Government of Turkey should move expeditiously to meet the criteria set forth by the European Council in Copenhagen;

(2) calls on the European Union to focus on the elimination of all forms of discrimination in Turkey, particularly with regard to the Ecumenical Patriarchate, while continuing accession negotiations;

(3) calls on the Government of Turkey to remove an obstacle in its relations with the United States Government by taking positive steps to provide full religious freedom for the Ecumenical Patriarchate; and

(4) calls on the Government of Turkey to immediately—

(A) recognize the right to the title of ''Ecumenical Patriarch'';

(B) grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession;

(C) grant the Ecumenical Patriarch the right to train clergy of all nationalities, not just Turkish nationals; and

(D) respect property rights and human rights of the Ecumenical Patriarchate.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, July 30, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes; S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; S. 3113, to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; S. 3148, to modify the boundary of the Oregon Caves National Monument, and for other purposes; S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission; S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the Abraham Lincoln Birthplace National Historical Park; S. 3247, to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan; and H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 17, 2008 at 1 p.m. in room 328A of the Russell Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the sessions of the Senate on July 17, 2008, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 9 a.m., in room SD–G50 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 17, 2008, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Colin Jones, a fellow from the Idaho National Laboratory, be granted the privilege of the floor for the duration of the Energy bill, S. 3268.

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

IN SUPPORT OF THE VERY ENERGETIC RADIATION IMAGING TELESCOPE ARRAY SYSTEM (VERITAS)

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 35, and the Senate proceed to its immediate consideration.

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

The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 35) to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS).

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, with no interviewing action or debate, and any statements related to the measure be printed in the RECORD.

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

The joint resolution (S.J. Res. 35) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOCATION OF VERITAS PROJECT.

Public Law 108–331 (118 Stat. 1281) is amended—

(1) in the long title, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''in Arizona''; and

(2) in section 1, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location''.

UNANIMOUS-CONSENT AGREEMENT—S. 3268

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that after the Senate convenes on Tuesday, July 22, the hour prior to the cloture vote on the motion to proceed to S. 3268 be equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on the motion to invoke cloture; further, that the mandatory quorum be waived.

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

ORDERS FOR MONDAY, JULY 21, 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 3 p.m., Monday, July 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 3268, the energy speculation bill.

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

PROGRAM

Mr. NELSON of Florida. Mr. President, there will be no rollcall votes on Monday. The next vote will occur Tuesday morning. That vote will be on the motion to invoke cloture on the motion to proceed to the energy speculation bill.

RECESS UNTIL MONDAY, JULY 21, 2008, AT 3 P.M.

Mr. NELSON of Florida. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:29 p.m., recessed until Monday, July 21, 2008, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JOHN A. SIMON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE JUDICIARY

ANTHONY JOHN TRENGA, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE WALTER D. KELLEY, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 17, 2008:

THE JUDICIARY

PAUL G. GARDEPHE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

KIYO A. MATSUMOTO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.