

prices and high costs have created a cycle of higher food costs that have been added to the burden of my constituents.

Crude oil prices are, of course, linked to supply and demand. While there are many other compounding factors, such as a weakened dollar, we must remember that at the root of the problem is the increased worldwide demand for energy. According to the Federal Highway Administration, Americans drove 12 billion fewer miles in the first quarter of this year compared with the same period last year. Americans are driving less due to increased costs. However, the decreased demand for energy in America has had little effect on the increased worldwide demand.

We know that demands for oil will continue to escalate as more developing countries use crude oil. According to the International Energy Agency, between now and 2030, China and India will account for 70 percent of all new demand for oil. The Congress and the administration must consider now how much future demands will increase in the coming years. While there are steps I believe the Congress can take to help cope with higher prices in the short term, our future demands for energy independence will require us to move to new sources of fuel. Americans are looking to their leaders for answers. They want to know what the Congress can do to help them through these hard times.

As we consider energy policies that will ease the burdens of higher costs for our constituents and their struggling businesses, we should not impose policies that create higher tax burdens or costs for energy companies. Higher taxes will not lead to lower prices but will only serve to increase the expenses of doing business that will be passed on to the consumers. Our economy relies heavily on transportation. A policy that doesn't provide real long-term reforms to the way our country acquires and uses energy will not provide Americans with a better deal or a stronger economy.

While we search for better energy sources, we must remember that until developing technologies are able to create affordable and efficient fuels, the short-term supply-and-demand problems will still exist. Some Senators have called for increased exploration and drilling. While I am always mindful of protecting our environment, I think we need to be reminded that advancements in drilling technology over the last several years mean we are much better able to protect our valuable natural resources as we explore for new energy.

In addition to acquiring more crude oil within the United States—and offshore drilling provides another opportunity—we should do all we can to promote the exploration and use of oil shale. I know the distinguished Sen-

ator from New Mexico talked about his views, which include the use of oil shale. It is already used extensively in many other countries.

According to the Congressional Research Service, there is a potential equivalent of 1.8 trillion barrels of oil to be found in America alone. It is my hope the Congress, the administration, and private industry will come together, work together with those who are concerned about environmental consequences and impacts, deal with those challenges in a thoughtful and effective way, and proceed with exploration and extraction of oil shale. The Energy Policy Act of 2005 identified oil shale as a very important resource that should be developed. While progress in the development of this important resource has occurred, we should do more to make oil shale resources as a motor fuel into a reality.

Peter J. Robinson, vice chairman of Chevron Corporation, recently testified before the House Select Committee on Energy Independence and Global Warming. He said:

The search for the next source of energy—whether it be oil or next-generation fuels from renewable sources—takes enormous capital, specialized expertise and the organizational capability that characterizes Chevron. Transforming raw materials into usable energy products and delivering them to market some six continents takes substantial financial strength, advanced technology, and human energy.

I think Mr. Robinson is correct when he says we face a huge undertaking in determining the next source of fuel. I also believe the Congress should not be in the business of trying to pick a winner for the next form of energy. Rather, we should be doing what we can to promote all forms of alternative energies that show promise through appropriated research dollars, grants, and public/private partnerships.

In Mississippi, we are prepared to play a major role in the development of new energy. Our farmers have the knowledge and expertise to create renewable feedstocks such as corn, soybeans, timber, grasses, animal fats, and even wastewater. The University of Southern Mississippi, for example, is engaged in research to create more efficient and lower cost fuel cell membranes. The University of Mississippi is using termite research in an innovative approach to cellulosic energy research.

In addition to researching alternative fuels that include waste water, timber, and other feedstocks, Mississippi State University students were winners of the 2008 Challenge X Competition. This competition is a partnership between the Department of Energy and General Motors. It challenges university students to create vehicles that are more fuel efficient and produce lower emissions.

I am proud of my State's commitment and contribution to creating a better energy future, and I hope we can

continue to work hard to make the ideas and efforts of these students and university researchers and our entire population in our State who are involved in this challenge a reality.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized with unanimous consent.

HABEAS CORPUS

Mrs. FEINSTEIN. I thank the Chair.

This morning, the Supreme Court struck down as unconstitutional the portion of the Military Commissions Act of 2006 which denied habeas corpus rights to detainees at Guantanamo Bay. In making its decision, the Supreme Court has recognized that detainees at Guantanamo cannot be denied the fundamental legal right to habeas corpus, enshrined in the Constitution.

Writing for the majority, Justice Kennedy wrote:

The laws and the Constitution are designed to survive, and to remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law.

I think that is a very important statement. I think it crystallizes a lot of the debates this Senate has been having over the past 5 to 6 years. It recognizes the importance of the rule of law, one of the most fundamental values our country was founded upon.

Detainees at Guantanamo have been in a legal quagmire since 2002. As the Court recognized, some have been held without court review for more than 6 years—6 years—many in isolation for long periods of time. The Court specifically stated it was not ruling on the issue of whether the writ for habeas corpus should be issued or whether detainees should be released. Rather, the decision focused on the fact that the detainees are entitled to the fundamental right of habeas corpus as a means to review whether they are being properly held.

Four times now the Supreme Court has stepped in and struck down the Bush administration's policies at Guantanamo. Four times. In the Hamdi and Rasul decisions, the Court stated that U.S. law applied to Guantanamo and that detainees had to be determined enemy combatants before they could be held.

In the Hamdan decision, the Court struck down the administration's claim that the Geneva Conventions did not apply to the detainees at Guantanamo and repudiated the legal framework the Bush administration tried to construct to handle the trials of detainees.

In today's decision, the Supreme Court has once and for all made it clear that even at Guantanamo our constitutional principles remain sound. It also recognizes that President Bush's repeated assertion that he has essentially unchecked powers in the war on terror is simply wrong.

Guantanamo Bay has been a case study in what not to do in the war on terror. Consider all the early choices this administration has made: to deny the protections of the Geneva Conventions, to establish military tribunals based on the theory of unchecked Presidential power, to deny habeas corpus and, finally, to reverse decades of old precedent and authorize the use of coercive interrogation and torture.

These decisions by the Bush administration and its operation of Guantanamo will go down in history as a black mark on the United States, decisions where this administration and this President simply forgot—or worse ignored—our own values and laws.

Today's decision provides another reason why Guantanamo should be closed. Closing this facility is critical to our Nation's credibility and stature and our ability to conduct foreign policy and counterterrorism operations worldwide. If there is one thing that is very clear, the credibility of the United States as a bastion of law, of constitutional rights, and of human rights has gone downhill all over the world. As I have said on this floor before, I have never seen a time in my lifetime where Americans are thought so poorly of by citizens of countries that are our firm allies as well as our adversaries.

Let me be clear: I have no sympathy for al-Qaida terrorists, Taliban fighters or anyone else around the world who wishes to harm Americans at home or abroad. But I strongly believe that continuing to operate Guantanamo, in the face of repeated reprimands from the Supreme Court, the stated wishes of senior administration officials, and a tidal wave of congressional and international condemnation, weakens the United States in its effort to fight the war on terror.

Last July, I submitted an amendment to the fiscal year 2008 Defense authorization bill to close Guantanamo. I was joined in that amendment by 15 cosponsors: Senators HARKIN, HAGEL, DODD, CLINTON, BROWN, BINGAMAN, KENNEDY, WHITEHOUSE, OBAMA, SALAZAR, DURBIN, BYRD, BIDEN, BOXER, and FEINGOLD. I intend to offer this amendment again this year.

President Bush, Secretary Gates, Secretary Rice, Colin Powell, 9/11 Com-

mission heads Tom Kean and Lee Hamilton, numerous retired four-star generals and admirals, as well as Senator OBAMA and Senator MCCAIN, have all expressed their support for closing Guantanamo.

It kind of boggles my mind. I was sitting in the Defense Appropriations Subcommittee, when I asked the question of Secretary Gates, and he said: Yes, I am for closing Guantanamo. I have heard Colin Powell say: Yes, I am for closing Guantanamo. I would do it right now. I have heard generals and admirals say: Guantanamo does this Nation no good. Yet nothing changes. So the question of closing the facility is when and not if.

Guantanamo, as I have said, is a lightning rod of condemnation around the world, and not just because of a lack of adequate legal rights and remedies. It has also drawn criticism for the treatment of detainees that violates both American and international standards, laws and values. And coercive interrogation techniques undertaken there have failed to yield reliable and usable intelligence.

Both the Presiding Officer and I sit on the Senate Intelligence Committee. We hear the classified data which obviously cannot be discussed here. We know there are bad people in Guantanamo, but we also know there are people who are hapless victims, who may have been picked up just because they were in a certain place at a certain time.

This week I held a hearing on coercive interrogation techniques being used at Guantanamo. Glenn Fine, the inspector general of the Department of Justice, testified about his report that concluded that over 200 FBI agents observed or heard about military interrogators using a variety of harsh interrogation techniques, including but not limited to stress positions and short shackling, in which a detainee's hands are shackled close to his feet to prevent him from standing or sitting; isolation, sometimes for periods of 30 days or more; use of growling military dogs; twisting a detainee's thumbs back; using a female interrogator to touch or provoke a detainee in a sexual manner. Mr. Fine also argued these techniques are not only shocking but they are less effective and they produce less reliable intelligence than noncoercive means.

Experienced FBI interrogators agree. We heard yesterday afternoon—and it was kind of interesting because the minority apparently exercised a rule that would prevent the hearing from continuing. When I asked the question, why, I found it was because of my hearing, which was to elucidate some, I think, valuable facts and timelines of how all this happened. Fortunately, and thanks to the majority leader who came to the floor and recessed the Senate, we were able to conclude our hearing.

One of the people testifying was a former FBI agent by the name of Jack Cloonan. Now, Jack Cloonan has interrogated at least six members of al-Qaida. He testified under oath that he was able to get convictions for three of them and was able to get actionable intelligence for every one of them using noncoercive techniques. As a matter of fact, he said these al-Qaida members were so struck by the process he used, the fairness of the process, they not only gave him information that was valuable, they are now in witness protection programs. I thought that is very relevant information. Why do this if it isn't effective?

The conditions at Guantanamo have led to at least 4 documented detainee suicides and another 41 attempted suicides, according to media reports from 2006 and 2007. More recent press accounts discuss how detainees have gone mad during extensive periods of isolation, sleep deprivation, and degrading treatment.

Finally, I ask unanimous consent to have printed in the RECORD following my statement an article from the New York Times, dated April 26, 2008, entitled, "Detainees' Mental Health is Latest Legal Battle."

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, the article describes how Salim Hamdan "has essentially been driven crazy by solitary confinement in an 8-foot-by-12-foot cell, where he spent 22 hours a day, goes to the bathroom, and eats all his meals."

This is not about abuses from 2002 and 2003, like al-Qahtani and the Abu Ghraib scandal. This is 2008, and I fear it is going to continue as long as Guantanamo is able to operate in its isolated setting, in a highly confined environment, with no visitors and nobody able to go in and talk with inmates.

Let me say a little about the status of Guantanamo today. There are approximately 260 detainees being held. They can be divided into roughly three equal groups: those the administration intends on charging with a crime and prosecuting; those the administration says can be transferred to another country, if another country is willing to take custody—and I will admit there are problems there. There are detainees, I know, who are awaiting repatriation to their own country, if they will take them back. In many cases, they will not take them, and that is a problem. We, on the Intelligence Committee, need to pay attention to this and find a solution to it.

Third are those who can't be tried for a crime but who are deemed too dangerous to transfer and who, presumably, will be held indefinitely without charge.

I think we need to provide a legal framework for that kind of administrative detention so that the detainees in

administrative detention have certain due process rights to ensure they can know why they are there, that they can have an opportunity to rebut the charges, and that they can have access to counsel.

Since the end of 2001, nearly 500 detainees have been transferred back to the custody of their home nations. A group of seven Chinese Uighers, who had committed no crime, were sent to Albania, where they are now held as refugees in poor conditions.

Exactly one man, in the 6 years Guantanamo has existed as a detention facility, has been convicted of a crime. He, of course, is David Hicks, a kangaroo skinner from Australia, who pled guilty in order to get out of Guantanamo. He has since been released by the Australian Government.

I believe there are 19 more detainees against whom charges have been brought. The military commissions process is in turmoil. It is my hope that with today's ruling these cases will be moved to the district and circuit courts rather than the deeply flawed and separate system of justice set up in the Military Commissions Act, which I voted against, and I am very pleased I did so.

Guantanamo began in the Bush administration, and it should end in the Bush administration. At every turn, the Supreme Court has struck down President Bush's policies with respect to Guantanamo.

John Adams said that "we are a Nation of laws, not men." This administration has turned that concept on its head, with President Bush deciding that he alone should make the legal and policy decisions in the fight against terrorism, and that the rule of law does not apply.

In rejecting this notion, the Supreme Court's decision today once again reiterated that it would be wrong "to hold that the political branches may switch the Constitution on or off at will." I hope the administration hears that. To me, this clearly indicates that the President's article 2 powers are limited, that his powers as Commander in Chief are limited, and that his powers under the war resolution and the authorization for use of military force in Afghanistan are limited, and he must follow the Constitution of the United States. That is what this decision says to me.

So I commend the Court for its decision. I hope the President will recognize this. I suggest that he should. I suggest that after being repeatedly rebuffed by the Supreme Court, the administration come to us and say that the time has come to close Guantanamo. I would expect, now that we have both potential presidential nominees supporting closure of Guantanamo, we will close it. The Secretary of Defense, the former Secretary of State, the present Secretary of State,

the co-chairs of the 9/11 Commission, Governor Kean and Representative Hamilton, and dozens of admirals and generals, recommend the closure of Guantanamo.

When I present this amendment on the Defense authorization bill, I hope I will be able to press this toward a successful vote.

SIGNING AUTHORIZATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. TESTER, be authorized to sign the enrollment of H.R. 6124.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah is recognized.

HABEAS CORPUS

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator, my friend from California. She is an excellent Senator and a very good person. She certainly tries to bring both sides of the aisle together. Over the years we have had a number of disagreements, but that is part of the legislative process. However, that has never diminished the respect that I have for her.

Yet the fact is, I disagree with her regarding the Supreme Court's decision. This decision, written by Justice Kennedy, gives terrorists one of the most important rights enjoyed by the people of the United States.

We face difficult times ahead. Many have legitimate concerns about the prospect of closing Guantanamo Bay and then housing these alleged terrorists somewhere within the continental United States.

These are not easy questions. However, I do not believe that the Supreme Court has provided the correct answer.

Our government has publicly stated that there have been three instances in which waterboarding has been used. In one of those instances, it was used against a leading terrorist who actually masterminded the terrible incidents that occurred on 9/11.

These are interesting and difficult issues. I certainly appreciate the anguish and the feelings of those who believe, as the distinguished Senator from California does, that we should provide these alleged terrorists every right that the American people have, in spite of the fact that these terrorists do not represent a country, do not wear a uniform, are willing to kill innocent human beings, and are willing to have their own children blow themselves up. We have never before faced these types of events in our society. Yet it is important that we not ignore them. We are dealing with people who do not abide by the norms of the world.

Some concerned people ask, why should the terrorists have the rights that everybody else has? Are we not binding future Presidents who may

face even greater terrorist threats? Will the next President be able to get the information we need to protect the American people? We know there are terrorists who would, if they could, not bat an eyelash as they used a nuclear weapon against the innocent.

Sometimes we have to take stern measures to deal with these types of people. It is always nice to be concerned about people's feelings and about people's rights, even those of terrorists, but sometimes we have to be practical and pragmatic and do the things that have to be done to protect the American people, and our citizens overseas.

These are tough issues. We should all work together to try to resolve them. There are many who will believe that the Supreme Court made the right decision and others, such as myself, who believe that the Court made a lousy decision.

However, I uphold the Supreme Court, even though it was a 5-to-4 decision. Nevertheless, it is a decision by one-third of the separated powers of this country, and must be recognized as such.

Having said all that, I admire my friend from California. She knows it. We have worked together on a whole raft of issues through the years. I appreciate her sincere leadership in the Senate and will always appreciate knowing her and having the experience of calling her my friend.

ENERGY

Mr. President, I want to take a few minutes to address arguments by my friends on the other side of the aisle related to energy production. Some Democrats are complaining that oil companies own tens of millions of acres of oil and gas leases on Federal lands that they are just sitting on.

Now, that is an interesting way of formulating an argument because some are obviously trying to paint a picture of oil companies holding back production purposely to raise gas prices. Some Democrats have argued that the oil companies are purposefully holding back production to raise gas prices, and others are arguing that this fact makes it totally fine to close off all our good offshore oil and natural gas and all our oil shale and tar sands because there are undeveloped leases on public lands right now. Here we go again with the anti-oil agenda of the more extreme environmentalists, which the Democratic leadership has adopted as their own energy policy—or should I say anti-energy policy, which is what I believe it to be.

Take oil shale alone. We have an estimated 3 trillion barrels of oil in the tri-state area of Colorado, Wyoming, and my home State of Utah. There is anywhere from 800 billion at the low end to 1.6 trillion barrels that are recoverable, and recoverable at a much lower price than the \$135 we are paying for oil, but we're being told we can't develop it.

It is true that there are tens of millions of acres of leases held by oil companies. But it is also true that they are being developed as fast as possible. Guess what. You cannot develop a lease on Federal land unless you have a permit to drill, and there is a very large backlog in the permitting process on Federal lands. It is the job of the Bureau of Land Management to issue these permits, and I don't blame them for the backlog because they are working as hard and as fast as they can. All of the environmental work has to be done before one of these permits can be given. Our Nation happens to have very stringent environmental laws on oil and gas drilling.

In the Energy Policy Act of 2005, I supported an effort pushed by the senior Senator from New Mexico, who has been one of the most prescient forces in our Senate on energy and who was chairman of the Senate Energy Committee at the time, to put more funds toward the permitting process, and that has helped to a certain degree.

What proof do we have that our oil companies are trying their hardest to develop their leases? Let's look at the numbers. In the year 2000, the BLM gave out 3,413 permits for oil drilling. In 2007, just this last year, the BLM gave out 7,124 permits for oil drilling. In the year 2000, oil companies drilled 2,341 new oil wells. In 2007, again just this last year, they drilled 4,640 new wells. In other words, in the last 7 years, oil companies have more than doubled their effort to develop their leases on Federal lands. I am not sure how an industry that is literally doubling its efforts to supply our energy needs can be painted as "sitting on their leases." I don't blame the liberals in Congress for not understanding this because it seems as if they get almost everything they know about energy from the most extreme environmentalists in our society who have no problem with seeing our people suffer as long as their anti-oil agenda moves forward. That is the best you can call it, an anti-oil agenda.

In Utah, we have leases, and we have a lawsuit every time somebody tries to develop anything. It is ironic because the extreme environmentalists know perfectly well that oil companies are drilling as fast as they can on these leases. How can they be so sure, one may ask. I know for sure because I have watched these groups do everything in their power through protests, lawsuits, and policy changes to slow the oil companies down. The oil companies could do a much greater job if they did not have all of these lawsuits, slowdowns.

The Federal Government spends a large portion of its public land management budget fighting these lawsuits. I have heard estimates that during certain periods, up to 50 percent of the Bureau of Land Management bud-

et has gone to litigation costs. That is pathetic. Can you imagine what could be done for our habitat, our forest lands, BLM lands, and so many other things if we didn't have all of that money being spent on lawsuits?

It is ridiculous for these radical groups to do everything in their power to stop energy production on our public lands and then sell an argument to liberal Members of Congress that oil companies are not trying hard enough to drill on their own leases. They would drill a lot more if they had the leases and no lawsuits in areas where they actually have leases.

I have said it before and I will say it again: Our country simply cannot afford to promote an anti-oil agenda. It is an agenda that will cause the most harm to our poorest citizens. The poorest among us spend 50 percent of their income on energy prices mainly to get to work or to buy groceries. I hope my well-intentioned but sometimes misguided friends in Congress keep that in mind.

We have it within our power to alleviate a lot of pressure on the price of oil. If we just announced tomorrow that we are going to go forward and do more oil and gas exploration offshore and developing our oil shale in that tri-state area, the price of oil could drop simply from the announcement. The problem is that Saudi Arabia and the other countries do not have the ability to flood the world with oil and to bring the prices down anymore. There is such an insatiable demand for the current oil that is being developed.

I heard familiar arguments against oil shale during the Clinton administration in 1995: It will take 10 years to develop oil shale, they said. Here we are 13 years later, and now they are saying: It will take 10 years to develop oil shale. What if we had started to do it then in a realistic fashion and we were able to get that 100,000 to 1 million barrels of oil out of each acre of oil shale in the productive areas of Colorado, Utah, and Wyoming—keep in mind, abiding by very stringent environmental concerns? It is mind-boggling to me.

Yesterday, I was on a radio show in my State, one of the most popular radio shows. The announcer said: Why aren't you for the Democratic Energy bill? I briefly said: Well, it is not an energy bill, it is a regulatory bill that will stifle energy development.

Back in the last years of the Carter administration, they put on a windfall profits tax that cost us 129 million barrels of oil and sent this country into a downward spiral. If you tax something, you get less of it. That is just a simple fact of life. But that is what my colleagues are doing in their "energy" bill.

I am the author, along with some other wonderful colleagues on both sides of the aisle, of the CLEAR Act. It

took us 5 years to get the CLEAR Act through, if I recall it correctly, something that should be a no-brainer for anybody.

We now have the Freedom Act, which will give economic incentives for the development of plug-in hybrids and other kinds of battery-operated electric cars. I just saw one today that is all electric, it goes more than 200 miles on a charge and goes from zero to sixty in less than 4 seconds. The problem is it costs around \$100,000 to buy. But future models will be cheaper, and plug-in hybrids will be affordable for average citizens.

But today, and tomorrow, and for quite a while, we're going to need oil. I cannot believe we in this body cannot acknowledge that for many years from now, we are going to have to use our oil, our coal, our natural gas, and we are not going to be well off if we do not.

I am proud to tell you that I believe we have some 22 natural gas-providing gas stations in Utah for natural gas-driven vehicles. We could do that all over the country. We have 22 of them, and those people are driving their vehicles—mainly Honda Civics—at a rate of 68 cents per equivalent gallon of gas. If we would move into these types of situations—yes, it would take us years to get there, and it takes oil to fill up those intervening years—if we would move that way and acknowledge that this is what we have to do, within 10 to 15 to 20 years, we would become very energy independent.

If we would develop our offshore oil instead of letting China and Cuba and other countries come offshore and take our oil because we will not allow it to be done—let the States have control over it. The distinguished Presiding Officer comes from Florida. If Florida does not want energy development offshore, that is Florida's concern, as far as I am concerned. But we stop it here. There are a number of other places, such as Virginia, that would love to be able to do this and would help alleviate the dependency we have right now in our country.

I wish we could get around these extremists who seem to control the liberal agenda. I wish we would work together to provide a means whereby we can overcome these problems together and keep our country strong.

We are sending upwards of \$700 billion every year to other countries for foreign oil, much of which comes from countries that are not all that friendly to us, and it is ridiculous. It is time that we wake up and do something about it.

Mr. President, I thank my colleagues. I am sorry to have gone on. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, certainly no apology is necessary from my

colleague. He comes to the floor very passionately and has worked with great passion, and we appreciate that.

MEDICARE

Mr. President, I come to the floor today to echo so many comments that were made by many of my colleagues on the great policies in the Medicare bill that has been introduced by the Finance Committee chairman, Senator MAX BAUCUS.

I have, along with others, been exhausted, certainly disappointed and dismayed that so many in this body voted against moving forward on this bill today, a bill that I believe is essential to the needs and concerns of so many of the constituency I represent in our great State of Arkansas.

When I first came to the Senate, people said: It is always easy to vote no. But to move things forward, to be progressive, to be willing to start and engage the debate and to move forward in starting to solve the problem, that means voting yes. And sometimes it is a difficult vote, to move forward and to get things going, to come together, to work together and to find the solutions that are necessary for this country.

But as we have seen time and time again in these votes, it is a simple vote that happens on the other side. It is "no." No, we are not going to create jobs and move forward in this tax extenders bill, providing tax cuts to industries for research and development and help in the creation of new jobs in the renewable fuels industry. No, we are not going to move forward in trying to fix the concerns our constituents have in their access to health care, particularly in the Medicare Program. "No" is that simple vote. The tough vote is yes; being able to say yes, it is worth it to the people of this country for us to come to the floor, to work together, and to be able to move forward in the debate. Not that any of us are going to get everything we want, but it is important that we are willing to come together and work on behalf of the people of this country.

Now, I am not sure how many of my Senate colleagues here pump their own gas, but I do. I drive myself, unlike many of my colleagues, and I pump my own gas. I guess it was a couple of days ago, in between a Little League game and purchasing some items for the end-of-school party, that I stopped to buy my gas, and I was astonished, just as I had been the time before. My son commented on the fact that it had gone up so much since the last time we filled up, and I am thinking to myself here I am, with both my husband and me working and bringing home a paycheck, and realizing the crunch we feel. Think of how other hard-working Americans feel across this country.

I know the Presiding Officer has many of the same duties I do, whether it is Little League or school parties or birthday events or all kinds of things,

but I think it is so important for our colleagues to stop and think. Because if they do not fill up that tank, if they are not going to the grocery store, as I am, and seeing the rising cost of food, then they need to start. They need to understand what Americans out in our States, the hard-working families of this country, who are the fabric of our Nation, are faced with, the decisions they must make.

Certainly on job creation, on moving forward with the tax cuts, we could have provided those to industries and businesses, extending some where people don't know whether they are going to be there, and certainly providing them the wherewithal, the businesses and industries of this country, to be progressive in addressing and creating the kinds of jobs we need out there in these new and innovative technologies and new and innovative industries.

Here today, we had an opportunity to move forward on improving the Medicare system, the health care available to seniors and others, and we missed it. We missed that opportunity. We are not here to create a work of art. I say this all the time. We are here to create a work in progress. Several years ago, we passed the Medicare Modernization Act. Here we had an opportunity to improve upon and to move forward in making sure that some of these policies in Medicare can continue to happen.

S. 3101, the bill we tried to move forward today, contains a number of provisions that would improve care and access to care for low-income Medicare beneficiaries, and a number of important provisions to support our providers in the Medicare Program. Low-income Medicare beneficiaries, the people more than likely who are on a fixed income, get hit the hardest by increased gasoline prices and increased food prices because they are on a fixed income. So here was an opportunity to say yes, we understand the pain you are feeling, we are working on it. We know there is not a ton of immediate impact that we can make on the price of fuel, but we can do some things, and here is something we can do. We chose not to, because there weren't enough votes to move forward.

Besides fixing the reimbursement for physicians, it bolsters Medicare in rural areas and includes a number of provisions from the Craig Thomas Rural Health Care bill, in honor of our former colleague, Senator Craig Thomas. That is a bill I and so many of my colleagues in the Senate have supported year after year. These are not new things. These are things that are essential.

If you look in rural America today—and I was visited in my office by elected officials from a county that is predominantly Federal lands. They won't be able to meet their county budget this year. They are operating a jail

that is over 100 years old and on the National Historic Register, but it doesn't do the job they need it to do.

People who live in rural America, hard-working Americans, those who have worked hard to make this country great, need us to be paying attention. Yet what are we doing? We are not moving forward. We are continually stymied from even getting to the debate on the issues and offering amendments and moving forward on these matters because people want to say no. It doesn't work. We have to come away from that.

The bill we tried to bring up earlier today, S. 3101, would continue to allow exception to when seniors need medical therapy beyond current funding caps. I have seniors who will not get their therapy until August because they are worried they are going to fall and they will need their therapy more desperately in the last several months of the year. If they use it in the first part of the year, they will hit the cap. So what does that do? They do not get the therapy, because they do not want to reach their caps early in the year, so they are not as ambulatory, they are more fragile, and then what happens? Yes, what they anticipate does happen. They do have a fall in August and then they have to go through even more extensive rehabilitation. It is not cost effective and it doesn't make sense. These are such smart things we could do on behalf of Americans who need our help and our rationalization in moving forward.

The bill also extends a provision to pay pathologists for the valuable, technical component of their services. I didn't understand this one, so I took a tour of a pathology lab. I was taken through the different processes of what happens in that pathology lab and I saw what that technical component was. There were several steps in that pathology instrument, or that pathology series of events that didn't catch the eye of the physician—the trained pathologist, because they wouldn't get reimbursed. He looked at me and said: Would you want that to be the sample of your cancer tissue, or the possibility that it is not going to be caught because we are going to leave out three different processes or three different pieces in this process? No. We want to be thorough, and there is no reason why we shouldn't be.

The bill also gives Medicare beneficiaries access to cardiac and pulmonary rehabilitation, which has already shown us to lower costs associated with COPD and other respiratory diseases. These are diseases that oftentimes are predominantly in older people, low-income older people who live in rural areas who are least likely to be able to get the help elsewhere. Why would we not want to save those dollars and create a greater quality of life for these individuals? That is an investment.

The bill also educates kidney disease patients with managing their disease, before they end up on costly dialysis, which can drastically improve their quality of life and greatly reduce medical costs down the road. Again, we are talking about procedures and making sure those procedures are reimbursed that are cost effective. That is how we improve on Medicare.

We are getting ready to see an explosion of baby boomers who are going to be using the Medicare system. Why would we not want to act now to put in cost-saving measures that will create greater savings and greater quality of life?

It also extends for 2 years the critical diabetes research conducted in the CDC and the NIH. I tell my colleagues if they have not met with the families in their State who suffer from diabetes, they should do so. I have never in my life sat with more passionate people, particularly those families who suffer with a child who has juvenile diabetes, who are passionate about the idea of not only how do we find better ways to care for our children but also investing in the research that will one day find the cure.

I looked at a mother who had tears in her eyes and she said: My daughter, who is 12 years old, is going to her first sleepover, and I am going with her because I cannot leave her side. She needs to be so closely monitored, she said. But I refuse—I refuse—not to let my child have a childhood.

These are the things we can change, and we should.

Now, unlike the Republican alternative that was introduced by Senator GRASSLEY, the Baucus bill also ensures that pharmacists receive prompt pay in Medicare. As I mentioned before, I don't work under the auspices that we are here to create a work of art, and when I supported the Medicare Modernization Act, I knew it wasn't perfect, and I knew we would have to watch to see what worked and what didn't work. I went a step further. I went to my State and I traveled county to county and had meetings with seniors, with the AARP, with our area agency on aging, and with Sunday school teachers to try and work through what we needed to know and what they needed to know to help one another about the prescription Part D in Medicare, and we had good results. Arkansas was one of the top States in terms of signing up seniors and getting them into the right plans, figuring out how we could help them, and working through making that a success.

But the fact is that in rural America, oftentimes pharmacists are the last touch for a medical provider. If you are in a community that has a commuting physician, perhaps, or maybe you don't have a hospital and have to use one in a larger MSA somewhere, your pharmacist is probably the only person who

is going to be there on the weekend, and it is critical that we keep them in business. Well, if they do not get paid on a timely basis—I had two, three pharmacists, at least, who had to take out loans of \$500,000 to be able to carry over the burden of providing the prescription drugs for seniors on Medicare when we transitioned into the Medicare Part D. That is unreasonable to ask of any small business such as that, to have to carry that over.

The bill we tried to move forward today also delays the harmful Medicaid average manufacturers price rule so that we can improve it to reflect the true cost that pharmacists face and to increase patient access to generic drugs; again, a commonsense way to move us into a more practical, more cost-effective delivery of Medicare services—generic drugs. We all talk about them frequently. Here is something that would actually implement moving in that direction, not to mention the true cost these smalltown pharmacists face.

Many of them can't work within cooperatives. They don't have the advantages, lots of times, of the large pharmacies out there, where they can buy in these huge bulk purchases and get greater prices. We need to make sure we are supporting everybody, and those pharmacists in rural America definitely have their needs. That was something in our bill that the Republicans did not address.

S. 3101 makes several much needed reforms to the Medicare Advantage Program, or the Medicare Part C. This is something new we added. When Congress first decided to allow private insurers to participate in the Medicare Program, the health insurance industry maintained that the efficiency and the competitiveness of the private marketplace would enable them to provide Medicare beneficiaries with better coverage at less cost to the Government.

Despite congressional intent, these plans do not save the Government money. As a matter of fact, they cost the Government money. Many of them offer absolutely no data to suggest they provide significant extra benefits or any better quality at all.

Since passage of the Medicare Modernization Act in 2003, more and more private health insurers have entered the private Medicare market and enrollment in Medicare Advantage plans has increased exponentially across the country. I heard someone make the comment the other day that they were multiplying like rabbits, particularly in rural America. The high enrollment growth, especially for Medicare Advantage plan types known as private fee for service, is alarming to me since these private plans are paid 20 percent more by the Government, on average, than it would cost traditional Medicare to cover those same beneficiaries. So if

they are multiplying like rabbits out there and we are paying them 20 percent more than what we would pay for traditional Medicare fee for service, we are wasting taxpayers' dollars.

Private fee-for-service plans are not required to create networks with providers or to report any quality measures. So in terms of tracking whether they are providing greater quality, we have had studies done, but we cannot even track the measures to determine whether there is an improved quality.

Many seniors in my State of Arkansas have run into trouble with private fee-for-service plans. Many of them have been duped into signing up for these plans through misleading or even fraudulent marketing practices. Once they do sign up, they often find that when they try to go to their regular doctor, their provider does not accept the plan. People have signed them up for something simply to get a bonus for the number of people they can sign up for a plan.

We had one woman who came into our office. We heard about this case in Arkansas of a sales agent going door to door, wearing medical scrubs and a stethoscope, trying to enroll seniors in this plan, not knowing much about the plan, and certainly not being willing to work with these seniors to figure out what was best for them.

The Baucus Medicare bill includes a number of improvements to the oversight of sales and marketing of Medicare Advantage plans, much needed and certainly a part of our responsibility, including banning certain practices such as door-to-door sales, cold calling, and free meals to seniors as an enticement to sign up.

We saw the invitations sent out to seniors for a free meal if they come and sign up for this package or seniors who simply get cold-called in their homes who get kind of hassled and made to feel insignificant to the point they say: OK, whatever, come see me.

It also asks the HHS Secretary to place limits on free gifts and commissions to sales agents. That is completely reasonable. We have heard of agents getting paid \$10,000 for signing up up to 150 beneficiaries. That is not right. That is taking advantage of seniors who may not understand some of these programs and who need more time and assistance to be able to figure out what is right for them if, in fact, they need to change at all.

S. 3101 also requires private fee-for-service plans and Medicare Advantage to develop networks of providers to ensure care for beneficiaries and to measure and report on quality of care. Plans would no longer be allowed to deem a hospital or provider as part of the plan's network without negotiating an actual contract for payment and care.

In Arkansas, we have about 11 percent of our total Medicare-eligible population enrolled in Medicare Advantage. Most of these beneficiaries have

the private fee-for-service plan type, and that is why it is especially critical to me that these plans work for our beneficiaries or, if they do not, that we get our seniors back into regular Medicare, where they can have their needs met. Let me tell you, we have worked hard. Some of these seniors have been duped. They called my office, we sat down with them, and we worked hard. Getting them back into traditional Medicare fee for service where they were, and they liked their service, is unbelievably difficult getting through that redtape over at CMS.

We have heard a lot of rhetoric on the Senate floor lately about "choice" and "fiscal responsibility." However, I would like to ask: What kind of choice is it when the plan you chose doesn't meet your needs, and you chose a plan because you have been harassed by people who are either trying to make an extra \$10,000 or who are just out there trying to sign up as many people as they possibly can?

As for fiscal responsibility, we already know the Medicare Hospital Insurance Trust Fund is estimated to be insolvent by the year 2019. When American taxpayers are subsidizing private companies' profits rather than the needs of our seniors, we are simply exacerbating that problem. We are adding to the debt of our children and our grandchildren. I, for one, would argue this is not fiscally responsible.

I hope we can move beyond the rhetoric. I hope we can have productive, bipartisan negotiations over the next days and weeks and make these many needed improvements to our Medicare Program a reality. Simply saying no is not good enough. It is hard to say yes sometimes, but the fact is the American people need us to be working right now. They need us to be focused and paying attention to the issues with which they are faced.

Yes, the price of gas is out of control. Yes, their food prices are going up. Yes, their health care costs are going up and their access is dwindling. The number of Medicare patients I know in my State who can no longer find doctors because doctors are no longer taking new Medicare patients—we actually experienced that in my own family. Our lifetime family physician who lived across the street passed away, my dad hit Medicare age, and all of a sudden we didn't have a physician. These are issues people in our States are facing every single day. The least we can do is bring forward measures that will show the people we are working toward figuring out some of these issues and some of these concerns that are hitting them square in the face.

As I said before, I stop and pump my own gas and I do the grocery shopping at my house. I have to say I see what they are up against. I think every one of us needs to take the time to figure out what it is our constituents are fac-

ing and redouble our efforts to work together to find the solutions that will make an impact on this great country and, more importantly, on its greatest asset and that is the working families of this great country.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE are printed in today's RECORD under "Morning Business.")

Mr. VOINOVICH. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. VOINOVICH. Mr. President, I ask unanimous consent then that I be allowed to speak as in morning business.

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

NATIONAL DEBT

Mr. VOINOVICH. Mr. President, I rise today to comment on the need for fiscal responsibility and to call attention to our ever-increasing national debt. Building on a speech I gave in March, I hope to regularly provide my colleagues and the American people with updates on our growing national debt.

I recently voted against the budget bill that would have allowed the national debt to increase to \$11.8 trillion over the next couple of years. We need to be reminded of the fiscal realities in which we find ourselves. We cannot continue to live in the United States of Denial.

Behind me is a chart that shows the accumulated national debt today. As of 2007, the national debt stood at almost \$9 trillion. Today it is at \$9.4 trillion, with each American owing some \$31,000; that is, every man, woman, and child in the country owes \$31,000. And the deficit for 2008 will be added to that number, including an average \$273 billion a year in interest payments on that debt.

If interest rates increase, the interest payments could be much more, eating up revenues that could be used for other purposes. In January, the Congressional Budget Office projected a \$219 billion deficit for 2008, but they did not include the \$152 billion economic stimulus package that President Bush later signed into law in February.

With the addition of the economic stimulus bill and other recent changes in the baseline, CBO's updated deficit projection for 2008 is \$357 billion. The Congressional Budget Office number also does not include borrowing from the Social Security trust fund and other trust funds to the tune of almost \$200 billion.

We only talk about the public debt, but we do not talk about the debt, the money that we are borrowing from our own Government. In addition to all of this, soon we are going to be considering a supplemental appropriations

bill to the tune of \$193 billion which, again, will be added to the national debt.

So if we are really honest with the American people, the projected real debt for 2008 is \$746 billion—\$746 billion. That is more than three times the \$219 billion deficit projected at the start of 2008.

Now, to get an idea of how much that is, \$746 billion is more than we spent on the war on terror, including Iraq and Afghanistan and elsewhere, during the last 5 years. And we borrowed every penny of it.

The Treasury Department in April reported that the deficit through the first 6 months of the budget year to date was \$311.4 billion, up 20 percent from the same period a year ago. That was the largest deficit for the first half of a budget year on record, surpassing the old 6-month mark of \$302 billion that was set back in 2006.

The Federal deficit through the first half of fiscal year 2008 is an all-time high, underscoring the pressure the budget is coming under as, overall, our economy slumps, spending is higher, tax revenues are lower.

But the deficit only describes the annual difference between revenues and outlays. And that is not what is really threatening our future. We do not talk about it. It is the cumulative ongoing increase in our national debt that really matters, with too many people in Washington pretending this debt does not even exist.

When was the last time you heard the President of the United States talk about the national debt? I cannot remember. And he happens to be a Republican. One of the reasons I am a Republican is that I have always believed in balancing budgets and paying down debt. But we do not even talk about it. It is not even there. It is like it has evaporated. When have we heard the Presidential candidates talk about the national debt and what they are going to be doing about it?

Recently, USA Today reported that the Federal Government's accumulated long-term financial obligations grew by \$2.5 trillion last year—\$2.5 trillion—as a result of the increase in the cost of Medicare and Social Security benefits as more baby boomers retire.

I think \$2.5 trillion is about what we spend on everything in the Federal Government each year. Taxpayers are on the hook for a record \$57 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs.

If you figure it out by households, that is \$500,000 per household in this country. When people come to me and ask me to spend money on a special program that they want me to spend money on, I explain our \$9.4 trillion national debt and the fact that each of us owes \$31,000. Then I ask them if what

they want is important enough to borrow the money and put the cost, including interest, on the back of our children and grandchildren.

It is an interesting question that I pose to people. And they think about it. After a moment, the smiles on their faces vanish, and their answer is no. Unfortunately, however, our political leaders in Washington hide the real budget numbers from the public and fail to even mention the rising national debt.

Most Americans are clueless as to how fiscally irresponsible Congress and the administration have been. The U.S. Government is the biggest credit card abuser in the world. We talk to our kids and others: You have to watch credit. We are the worst example of a credit card abuser in the world.

You know what. The rest of the world gets it, which is why they are covering their bets on the U.S. dollar. So why do we refuse to see the warning signs? A decade ago who would ever have imagined that the Canadian dollar would be worth just as much as the U.S. dollar? I remember when it was two to one. Now the dollar's value has fallen by half.

A few years ago, one Euro was worth barely 80 cents; now it is worth more than \$1.50. I think the President remembers when we were in Rome together that the dollar that we had bought 60 cents of a Euro. It is hard to believe. Then, to top it off, because of our deficits, we are forced to borrow money from other countries.

As a matter of fact, 51 percent of the privately owned national debt is held by foreign creditors. It is supposed to be held by the United States; that is public debt. But they have come in and they have 51 percent of it. That is up from 37 percent 6 years ago.

Foreign creditors provide more than 70 percent of the funds the United States has borrowed since 2001, according to the Department of Treasury. Think about it. And who are those foreign creditors? According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and the oil-exporting countries known as OPEC.

As you know, we are sending them a lot of money because of the high cost of gasoline. So we send them the money and then they come back and they are now buying our companies and they are buying more of our debt. If these foreign investors were to lose confidence and pull out of U.S. Treasuries, "Katey, bar the door."

Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy but also our national economy at risk. It is critical that we ensure that the countries that control our debt, the countries that control our debt, do not control the future of this country.

To try to avert this train wreck, I have introduced the Securing Americas

Economic Future—it is a commission—legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations. My colleague, Senator ISAKSON, has cosponsored that.

Over in the House, Democratic Congressman JIM COPPER of Tennessee and a Republican Congressman, FRANK WOLF of Virginia, have introduced a bipartisan version of the same commission. In the House they have 93 cosponsors from both parties. This bicameral group has support from corporate executives, religious leaders, think tanks across the political spectrum from the Heritage Foundation to the Brookings Institution. Brookings is real liberal; Heritage is real conservative. They all agree we have to do something and we have to do it fast.

Building on that legislation, two of my colleagues in the Senate, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, introduced a bipartisan bill that would create a tax and entitlement reform task force very similar to the same commission. We call it the Bipartisan Task Force for Responsible Fiscal Action. There are 19 cosponsors of the Conrad-Gregg proposal. I have a commitment from Senator GREGG and Senator CONRAD that they were going to bring this bill to the floor so we could get the commission created. It is a 16-member commission: 14 members made up of the House and Senate, and then two of the other members would be the Secretary of Treasury and also the head of the Office of Management and Budget. And the vision is that we would get that legislation passed this year.

By the way, the way it works is that if 75 percent of the people make a suggestion as to tax reform, entitlement reform, it gets an expedited procedure here, and we have an up-or-down vote like the BRAC process. You can't have our colleagues spend a lot of time doing this hard work and not guarantee them that if most agree about it, they are going to get a vote and it is not going to get stalled like so much other stuff that we would like to see and never do.

The thing that disappoints me—and I have greatest respect for the chairman of the Budget Committee, Senator CONRAD. We have worked together over the years on all kinds of things. He said he doesn't think we are going to get it out. He said that the Democratic, at that time, Presidential candidates, the last time I talked to him about it, decided that "People don't want to do something extraordinary unless they are absolutely persuaded." I think we need to persuade our colleagues and the American people that entitlement and tax reform cannot be

put off for another day. Wouldn't it be just great if we got this done? The new President comes in, puts in the head of the OPM and the Secretary-Treasurer, and they go to work. It would probably take them almost a year, but they would be able to come back and do something about tax reform.

When I tell people, they are shocked: \$240 billion we all pay to someone to do our taxes. It is unbelievable. I am a lawyer. I used to do my own return. I used to do returns for my clients. I wouldn't touch my tax return with a 10-foot pole.

In fact, a couple weeks ago, my wife looked at our return and said: I don't understand it.

I said: I don't understand it either. We have to go see our accountant and have him explain what this is about.

She said: No, you don't. He will charge us \$200 an hour.

I have to believe there are many Americans out there who have no idea what this is all about. We have had 15,000 changes in the code. It is overdue that we do this. Tax reform is a no-brainer. We have to do it. Even if we save half the \$240 billion, think of the savings to Americans. By the way, that is a real tax reduction, and it doesn't cost the Treasury one nickel. I am hoping we can continue to push this with everything we have.

Recently, David Walker, former Comptroller General, accepted a new challenge by joining Pete Peterson's new foundation to address the undeniable fiscal challenges our country must face. I have known Pete Peterson for a long time. He is head of the Blackstone Group. He stated, in creating the foundation, he "cannot think of anything more important than trying in this way to preserve the possibilities of the American Dream for my children and grandchildren's generations and generations to come."

I would like to say a few words about Pete Peterson and David Walker. Pete is chairman of the Peterson Foundation. He was President Nixon's Secretary of Commerce. He was born in Kearney, NE, to Greek immigrant parents, received an undergraduate degree from Northwestern, and graduated summa cum laude. He then received an MBA from the University of Chicago and is now senior chairman and co-founder of the Blackstone Group. He is also chairman emeritus of the Council on Foreign Relations, chairman of the council's international advisory board, founding chairman of the Peterson Institute for International Economics, and founding president of the Concord Coalition, which I have worked with for the last number of years. Here is the son of an immigrant who has made a pile of money, and he is so worried about his children and grandchildren. I suspect he has a little money over the years, and his grandchildren and children are probably going to be a little

better off than mine, most Americans. But here is somebody who is worried about the rest of us and our families.

The other is David Walker. David Walker is the president and CEO of Peterson. He is charged with leading the foundation's effort to enhance public understanding of the sustainability challenge that threatens America's future. If David Walker were here, he would have given a far more eloquent speech than I have to explain to my colleagues and to the American people where we are. The purpose of the foundation is to propose sensible and workable solutions to address these challenges and build public and political will to do something about them. Prior to joining the foundation, he served over 9 years as the seventh Comptroller General of the United States and head of the U.S. Government Accountability Office.

Here is a man who had a job, a good job, a high-paying job, and he is leaving it with 6 years left because he is so concerned about where we are. Everywhere he goes, he talks about this. I have been with him on several occasions. Somehow, we keep banging away, banging away, banging away, trying to get people to pay attention.

I have sent letters off to both the Presidential candidates. They are both Members of the Senate. Why don't they sign on to KENT CONRAD and to JUDD GREGG's legislation, sign on, talk about the debt. Let the American people know we have a problem out there and they are going to do something about it. When people hear both candidates talking about this program and that program and now they are counting up how much money they are going to cost, at the same time they are talking about the programs, they ought to be talking about the debt. What are you going to do about tax reform? We have to ask these questions. We are running out of time.

I wish Pete Peterson and David Walker the best of luck in this endeavor. I look forward to working with them.

The time to act is now. When you look at the numbers, it is self-evident that we must confront our swelling national debt. We must make a concerted bipartisan effort to reform our Tax Code. Nothing works here unless it is bipartisan. That ought to be the flag we fly under the rest of this year. Working together, like the Presiding Officer and I are working on a couple pieces of legislation, is the only way to get something done around here.

It is a moral issue. When I first introduced the legislation that talked about it, I got a call from FRANK WOLF, a terrific guy. He said: You know, George, I want to join you. I haven't paid much attention, but this is a moral obligation. It is a moral obligation to our children and grandchildren.

I think most of us down here are worried about the legacy we are going to

leave to the next generation. We have a lot to say about it. These are challenging times. I am confident that with the inspiration of the Holy Spirit, maybe we will get it and get on with some of these things that are long overdue so that we can get back on our feet again financially.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, before my friend from Ohio leaves the floor, I want to tell him, through the Chair, that he has his finger on the right issue. There are so many of us here in this Chamber on both sides of the aisle who recognize that the fiscal house of America is in a disastrous condition, and how we move forward when we get a new President in 2009 is going to be very important in terms of how we address the fiscal reality and fiscal challenges we face.

I think the recklessness we have seen with respect to this mountain of debt, which my good friend from Ohio has pointed out is now nearing the \$10 trillion mark, is something we have a moral obligation to address. I know among colleagues on both sides, including Senator CONRAD and Senator GREGG, there have been conversations about how we might be able to develop a process to try to get our fiscal house back in order. And I appreciate the leadership of my friend from Ohio on this issue.

Mr. President, I come to the floor to talk about an issue which has been talked about here quite a bit over the last several days. It has to do with what people think is an easy solution that will deal with the gas price and energy crisis we face here in America.

I have heard several of my colleagues come to the floor saying we have a panacea here—just develop the oil shale of the West, just develop 2 trillion barrels of oil that are locked up in the shale of the United States of America, 80 percent of which is in Colorado, and somehow we are going to wave a magic wand and that magic wand will automatically start creating these billions and trillions of barrels of oil that all of a sudden will bring about this abrupt decline in the price of gasoline and the price of oil.

There is a lot of hot air in those statements that are being made because the reality of it is that oil shale development in Colorado is still a long way away. That is because the research and development program, which we approved in this Congress, in the Senate, in the 2005 Energy Policy Act, contemplated that we would enter into a research and development phase to determine whether oil shale could be commercially developed.

Why is that so important? It is important, first of all, because for 100 years people have been looking at the possibility of developing the oil that is

locked up in the shales of mostly Colorado and some in Utah and some in Wyoming, and they haven't been successful. We have had the largest economic bust of the West and in western Colorado in 1980s, as major companies tried to develop oil shale and found out, after investing billions of dollars, that they simply could not under those technologies.

It is easy to understand why. It is because when you look at where the kerogen is, which is the oil substance, it is locked up in the rock. It is shale. There is a reason why they call it oil shale. It is not kerogen. It is shale. It is rock.

So when my friends come to the floor on the other side and say: Hey, here is a panacea to deal with the high gas prices of today, I would ask them all, with all due respect, to simply look at the reality of oil shale and its potential and also to look at its limitations.

Chevron, which is one of the largest oil companies in the world and a company that has been interested in looking at the possibility of oil shale development, in submitting its own comments to the Department of Interior's Bureau of Land Management, as they moved forward with their programmatic environmental impact statement on commercial oil shale development a few months ago, said:

Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That was a statement by Chevron on March 20, 2008. Yet there are myths being spread across the country. There are people who are talking to newspaper editorial boards and all around the country saying that all we have to do in America is go to Colorado, go to the western slope, go get the trillion barrels of oil locked up in that rock and, hey, we will solve all of our gas problems in America. That is simply not true.

I want to first go through what I think are some myths with respect to oil shale development, myths that have been propagated by some who, frankly, have the financial interest and concerns of only the oil companies, not the interests of the environment and of developing real solutions to the energy problems we face.

Myth No. 1 is that we on this side, including myself and other Democratic colleagues, are in fact stopping oil shale from being developed. Nothing could be further from the truth.

In 2005, under legislation that we offered out of the Energy Committee in a bipartisan way, with the leadership of Senator DOMENICI and Senator BINGAMAN, we included oil shale provisions which I helped to write. Those oil shale provisions created an orderly process for us to move forward with oil shale development. That legislation, which came out of committee and which came out of this Chamber, included

sponsors: Senators HATCH, ALLARD, myself, DOMENICI, and BINGAMAN. What that legislation asked the Secretary of Interior to do—in fact, it did not ask; it directed the Secretary of Interior—to enter into a research, development, and demonstration program on oil shale.

Since that time, not so long ago, 2005—we can still remember that, just a few years ago—six of these leases have already been issued. Five of them are in Colorado. Three of them have been issued to one company, the Shell Exploration and Production Company.

Under the provisions of the law that we included in that legislation, it is also important to remember that with the 160-acre research and development lease, these companies also have the right to convert those research and development leases to 5,000 acres. That is 5,000 acres of our public lands for R&D lease. That is 5 times 5, 25,000 acres that can convert over into full-scale commercial development, if they should so wish. So we have a program that is already underway.

Now, the Bureau of Land Management has decided to move forward with a commercial oil shale leasing program under provisions that were stuck in, in the dark of night, in the conference committee over in the House of Representatives that seem to direct the Bureau of Land Management to move forward with a commercial oil shale leasing program.

I do not believe, nor do many of the leaders in my State of Colorado, including our Governor of Colorado, that this is the way we ought to move. Governor Freudenthal in Wyoming does not believe this is the way we should move forward on the possibility of oil shale development. They support the legislation I have introduced on how we move forward with oil shale development. It is very simple legislation. I introduced this legislation that would clarify the process for us to look at how we move forward with oil shale development.

Let me simply walk through what the five steps would be.

First, the BLM would have 1 year to complete an environmental review of a commercial oil shale leasing program. That is a good amount of time for the BLM to look at completing the environmental review of something which is going to be so impactful to the Western Slope and to the State of Colorado.

Second of all, because we believe in making sure the States are providing us input on these Federal lands, which is so important to us in the West—it is so important to us in the West in large part because a third of my State is owned by the Federal Government. The Federal Government is the largest landlord we have in our State. So it has always been important for us to make sure the States and local governments are having input into the devel-

opment of the resources that are on those Federal lands. My legislation would allow the Governors of the affected States to have 90 days—90 days is not a lot of time—to comment on a commercial oil shale leasing program.

Third, the legislation would give the BLM a year to develop a commercial leasing program and to propose the regulations to accompany it—all, I think, very reasonable pieces of the legislation.

Fourth, the Department of the Interior and the National Academy of Sciences would prepare reports to Congress on the technology and the proposed plan for oil shale development.

Finally, oil shale development would have to comply with our already existing environmental laws—a very simple, straightforward process for us to look at how we can develop oil shale.

There are people out there who are saying we in Colorado oppose oil shale development or that Democrats have opposed it. That is simply not the case. We did not oppose it in 2005, and we do not oppose it today. We simply say we want to move forward in a thoughtful and responsible way as we look at the possibility of developing oil shale.

So myth No. 1—that we are opposed to oil shale—is simply false. It is a myth. It is not true.

Secondly, there is another myth out there that says the current moratorium which is in place as a result of legislation which the Congress adopted last year on commercial leasing regulations is somehow preventing energy companies from developing oil shale, that we are somehow preventing the oil companies from developing oil shale today. Again, that is a myth. It is not true.

The reality is, the BLM has clearly stated that the current moratorium on issuing commercial leasing regulations will have no effect—no effect—on U.S. energy supply or on when commercial oil shale production could begin.

I have here a part of a transcript of a hearing we had in the Energy Committee not too long ago, where we had the Assistant Secretary of the Department of the Interior, Secretary Allred, come before our committee and testify about the potential of oil shale. It debunks the myths that somehow we are going to wave this magic wand and all of a sudden, this year or next year or the following year, we are going to have all this oil flowing from oil shale in the West.

I asked Secretary Allred:

When I look at your chart on oil shale development on public lands, you have at some point on that chart this little brown dot that says “project completion: phase 3—commercial.” When do you think that will happen? What year?

Assistant Secretary Allred responded:

Senator, it's hard to predict that because . . .

I asked him the question: 2011?

Secretary Allred's response: Oh no, I think, I think . . .

I then asked Secretary Allred: 2016?

Secretary Allred responded:

Probably in the latter half of, say, 2015 and beyond.

“2015 and beyond.” So that is what the Assistant Secretary of the Interior, responsible for this program, is actually saying, that we would be ready possibly to move forward with commercial development of oil shale in the year 2015—7 years from now.

Why, therefore, is there such a rush to move forward headlong today and to complete the development of commercial oil shale regulations before the end of the Bush administration? Why is that the case? I do not understand it because it is not going to produce any oil that will help us deal with the energy crisis we face in the Nation today or tomorrow or the next year. So we have to keep asking those questions.

There is another part of the myth with respect to oil shale, and that is that we need to understand that even companies such as Chevron and others do not know what kind of technology ultimately is going to be viable for us in the development of oil shale. Even Jill Davis from Royal Dutch Shell Corporation, in the Rocky Mountain News, is quoted as saying:

The thing is we have to determine whether it works on a commercial scale.

So there are lots of myths.

Myth No. 3 is that the BLM is prepared—I hear some of my colleagues come to the floor and writing letters and making statements in the media—that the BLM is prepared to issue commercial oil shale leasing regulations because the BLM knows the nature and the needs of the development of oil shale, including water and power requirements.

Nothing could be further from the truth. BLM has clearly stated it does not know how much water would be required to implement and carry out a commercial oil shale leasing program. So how can we move forward with a commercial oil shale leasing program when we do not know how much water would be required to develop this oil shale?

In a hearing, again with Assistant Secretary Allred, I asked the following question:

Let me ask you about water availability. Under the Colorado River Compact, as described, there is a significant share of water of the Colorado River between all of the seven States—Upper Basin, Lower Basin—we have a share of water within Colorado that we are entitled under the compacts to consume for Colorado water users. Do you know, today, how much of that water consumption under those compacts would be required to be able to implement a commercial oil shale leasing program?

Secretary Allred's response:

Senator, we do not. And that's part of the . . . that's part of the purpose of the R&D leases—to try to determine that.

So how can we move forward headlong with a commercial oil shale leasing program when we have no idea how much water is going to be consumed in the development of these so-called half a trillion or a trillion barrels of oil? We do not know because we do not know how much water is going to be required based on whatever technology ultimately might be chosen.

Another myth is that the BLM, Department of the Interior, is absolutely ready to move forward with a commercial oil shale leasing program because they know what they are doing with respect to the power requirements.

They do not know what the power requirements are going to be. Producing 100,000 barrels per day of oil shale will require approximately 1.2 gigawatts of dedicated electric generating capacity. The question is, where is that electricity going to come from? Where is that power going to come from? What will its impact be? None of those questions have been answered. Yet the Bureau of Land Management is insistent on completing this commercial oil shale leasing program as fast as they can. I think, again, they are wrong.

There is another myth out there that says without commercial leasing—I hear some of my colleagues say this—without commercial leasing regulations from the Bureau of Land Management, investors may decide to stop risking their capital on oil shale and instead focus on other projects with more certain returns.

That is not true. The reality is the commercial leasing moratorium is giving BLM, investors, energy companies, scientists, Congress, and local communities the time they need to get more information about oil shale development and to allow the technologies to mature before any full-scale operation begins on public land.

Again, as Chevron commented in the Programmatic Environmental Impact Statement:

Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

So there are a lot of myths with respect to oil shale development.

Mr. President, I have several more minutes to go, and I see the assistant majority leader has come to the floor, so I will yield to him if he would so choose.

Mr. President, I will continue.

Myth No. 5. Somehow or another, those purveyors and artists of wanting to move forward with oil shale development with all speed ahead are saying this is somehow supported by the State and local governments it affects.

Well, more than half—probably 75 percent—of all the oil shale resources

are located in my State of Colorado. The Governor of the State of Colorado, Bill Ritter, says let's go slow and be thoughtful about oil shale development because we know the kind of impact it can have on the vast Western Slope of the State of Colorado. But it is not just the Governor of the State of Colorado who says that, it is also the Governor of Wyoming, Governor Freudenthal, as well.

Within my State of Colorado, there is a whole host of local governments that are very concerned about the Department of the Interior and the BLM moving forward, rushing headlong, moving recklessly to develop oil shale on the Western Slope without knowing yet what they are doing. Joining in stating those concerns are the City of Rifle, the town of Silt, the Pitkin County Board of County Commissioners, the Routt County Board of County Commissioners, the San Miguel County Board of Commissioners, the Front Range Water Users Council, the Northern Colorado Water Conservancy District, the Colorado Springs Utilities, Aurora Water, the Board of Water Works of Pueblo—and the list goes on and on.

Even the newspapers in Colorado are saying this. This is an editorial that was written in the Grand Junction Daily Sentinel. The Grand Junction Daily Sentinel is the newspaper that covers the 20 counties of the Western Slope of Colorado. This is what the Grand Junction Daily Sentinel said:

There is no need to accelerate leasing of federal land for commercial oil shale production. The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.

The real barriers to commercial oil shale production are technological, environmental and financial.

The Denver Post, the State's largest statewide newspaper, said the following:

Given that oil from shale isn't just around the corner, and given the vital questions of water and energy, shale development deserves the most careful—and lengthy, if necessary—study possible.

Developing oil shale has been a dream since the early 20th century. But careful planning is needed to make sure the dream doesn't turn into a nightmare.

In conclusion, what I want to say is I think Chevron is correct today, that it is a mistake for the Department of the Interior and the Bureau of Land Management to want to push forward to complete the implementation of the Bush-Cheney agenda with respect to oil and gas and oil shale development. They want to rush head long to get this done before the end of the administration when we know that there are so many technological barriers and so much we do not yet know about how we are going to develop oil shale. So Chevron is correct when it says we are

not ready to move forward with a full-scale oil shale program.

Let me conclude by simply saying this: For me, as a longtime farmer and rancher and as a person who has spent my life fighting to protect the beauty of Colorado, fighting for the land and water of that State, it is important for me always, as a Senator, to remember that the planet we have and the great State of Colorado I have is something I need to protect for my children and for my grandchildren and great-grandchildren for generations to come. It would be a mistake for us, in my view, for the State of Colorado or the United States of America to move forward with a program that is going to create significant problems to that legacy we are attempting to give to our children and to our grandchildren. I hope we could work together in a bipartisan basis to look at the possibility of the development of the oil shale resource but to do it in a thoughtful and deliberate way so we don't destroy the environment along the way.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, I thank my colleague from Colorado for his statement on oil shale. I wish to tell him a little story that goes back many years. When I first was involved in political life, in 1966 as a college student I worked for a Senator from Illinois named Paul Douglas who used to give speeches about oil shale, saying there is a great untapped natural and national resource of oil shale in the Rockies, in Colorado, and in other areas. Yours is the first comment I can remember on the floor of the Senate in all of those years relating to this issue again. I am glad the Senator from Colorado not only brought it up but put it in perspective in terms of our national energy needs and the impact of oil shale exploration and production in the Senator's State. I think he has every right to be careful in what he does.

I hear many colleagues, particularly from the Republican side of the aisle and from the White House, suggesting the reason we have our gasoline prices today and high crude oil prices is because we are not drilling for oil in ANWR, the Arctic National Wildlife Refuge. I, for instance, personally think that is an oversimplification, that that one potential source of oil could in no way solve our problems in terms of what it could produce.

I might call the attention of my friend and colleague from Colorado to some information that was given to me today. I hope the Senator from Colorado is aware there are 44 million offshore acres, off the shores of the United States of America, that have been leased by oil companies—44 million. Of those, only 10.5 million have

been put into production. One-fourth of all of the leased offshore acreage oil companies currently hold—land that the Federal Government has a right to—is being actually explored and utilized. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production; again, about a fourth. So three-fourths of all of the land offshore and on shore owned by the Federal Government and the taxpayers, leased by oil companies for the potential production of oil and gas, is actually in production. Only one-fourth. Combined, oil and gas companies hold leases to 68 million acres of Federal land in waters they are not producing any oil and gas on—68 million. That is compared to 1.5 million acres in the Arctic National Wildlife Refuge.

So those who come to the floor and say: “You know the problem here? We are just not opening up enough area for oil and gas exploration,” ignore the obvious. Oil and gas companies spend money to obtain them and then sit on them and then come back to us when we complain America needs a national energy policy and say the real problem is the Arctic National Wildlife Refuge. “If we could just have a crack at those 1.5 million acres,” after they have taken 68 million acres, put them under lease, and are not utilizing them.

I might add that Congressman RAHM EMANUEL from my State of Illinois and Congressman DODD are working on legislation that would say to these oil and gas companies: If you are going to lease this land and not use it, the cost of the annual lease is going to keep going up. Let someone else lease it who might use it. I think that is reasonable. They are suggesting that money from the leases should be dedicated to wind and solar energy—energy-efficient buildings; LIHEAP—which I know would be a good idea for the Senator who is now presiding who is from New England; weatherization assistance, and a number of other areas.

I thank the Senator from Colorado for his thoughtful reflection on what we are facing here.

Mr. SALAZAR. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask my friend from Illinois whether it is true that we have already opened huge amounts of offshore resources as well as onshore resources for the potential development of oil and gas and that ultimately, if we are going to get our Nation to have the kind of energy independence and national security that has been talked about now for 30 or 40 years, we need to, yes, develop those potential resources and those 75 percent of those offshore and onshore lands the Senator spoke about, but also to look at a whole new agenda of clean energy that will help us get to our na-

tional security, our environmental security, and create an economic opportunity here at home?

Mr. DURBIN. I would respond to the Senator from Colorado and tell him, yes, of course. He has anticipated the reason I came to the floor: to discuss what happened this week in the Senate or, to be more accurate, what didn't happen this week in the Senate. Because on Tuesday, we offered to the Senate, both sides, Democrats and Republicans, an opportunity to debate what the Senator from Colorado suggested, whether we will invest as a nation in energy and job creation. The Senator from Colorado knows what happened as well as I do. The Republicans refused to join us to bring to the floor to debate the bill that would create tax incentives for investments in energy efficiency, renewable, sustainable energy that will not lead to global warming and will not lead to pollution. The frustration that I and other Members on the Democratic side feel comes from the fact that we have tried repeatedly to bring these measures to the floor and we have been stopped time and time again.

I say to my colleague and friend from Colorado, through the Renewable Energy and Job Creation Act, we can create incentives we know will work. In my home State of Illinois, and probably in the State of Colorado, we are finding wind turbines being built in massive numbers to generate clean electric power. Near Bloomington, IL, an area I never would have dreamed of as a wind resource area, 240 wind turbines are being built. They will generate enough electricity there to provide all the needs of the two cities of Bloomington and Normal, IL, without pollution, using nature as a source.

Why did this recently happen? Because we created, over the last couple of years, incentives for businesses to do it. Now when we come this week to the floor of the Senate and say to our Republican colleagues: Let's not stop this now; this is a move in the right direction for green energy sources, what did they say? “We don't want to even debate it.” They stopped us again.

This week in the Senate—

Mr. SALAZAR. Mr. President, would the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask my friend from Illinois how important the extension of these energy tax credits is for renewable energy, given the fact that this is not pie-in-the-sky kind of technology we are talking about. As I understand, in my State—and I know there are already three solar powerplants that are functioning—there is a plan in the State of Arizona to put together a 400 or 500-megawatt powerplant that will be powered by the Sun, a 200-megawatt powerplant in the State of California, a

whole host of ways in which the Sun can become harnessed for our energy needs.

The same thing is true with respect to wind. As my good friend from Illinois talked about, what is happening in Illinois is happening across America, including in my own home State of Colorado where we have gone from almost no wind production 3 years ago to 1,000 megawatts, and there are three or four coal-fired powerplants in my State.

So how important, I ask my friend from Illinois, would the extension of these tax credits be until 2015, 2016—however we end up finally reaching that number—to continue investing in harnessing the power of the Sun, the power of wind, the power of biofuels?

Mr. DURBIN. I say in response, through the Chair to the Senator from Colorado, if we don't extend these Federal renewable energy tax credits, America could lose 76,000 jobs in the wind industry, 40,000 jobs in the solar industry. The bill the Republicans refuse to allow us to bring to the floor to even debate provides \$8.8 billion for research and development investment. This year alone, over 27,000 U.S. businesses would use this tax credit to benefit companies in computers and electronics, chemical manufacturing, information services, and scientific R&D services. The list goes on and on. The Renewable Energy and Job Creation Act, which they would not allow us to bring to the floor to debate this week, includes \$18 billion in incentives for clean electricity, alternative transportation fuels, carbon sequestration, and energy efficiency.

I say to my friend from Colorado through the Chair that this is nothing new. So far, during this session of Congress, the Republicans have engaged in 76 filibusters as of today. The record in the Senate for any 2-year period of time was 57 filibusters. A filibuster is every Senator's right to stop any bill, any nomination, for an indefinite period of time, and that filibuster can only be broken if 60 Senators vote to break it. It is called a cloture motion. We tried three times this week to break Republican filibusters, first on a bill dealing with the price of gasoline to try to bring it down and make it more affordable. The Republicans filibustered it. When we had our vote, we couldn't find 60 votes because they wouldn't cross the aisle to join the Democrats in breaking the filibuster and debating specific ways of bringing down the price of gasoline.

We followed that with a measure to deal with, as I have said here, tax incentives for the right energy decisions for our future. The Republicans initiated another filibuster. We called it for a vote. We failed to come up with 60 votes again because we only had nine Republican Senators who would cross—well, I think the number was seven Republican Senators who would cross the

aisle and join us. We needed more. Out of 49, we needed about 10 or 15. We didn't get those. So that bill to create incentives for businesses and individuals to make the right energy decisions was defeated by another Republican filibuster.

The last thing we considered was related to another program. It had nothing to do with energy but a lot to do with health care. We wanted to make certain the Medicare Program continued to reimburse the doctors and medical professionals who provide critical care for 40 million elderly and disabled Americans. The Bush administration wants to cut their compensation by 10 percent or more. I think it is unfair. These men and women are not being paid as much as others, and they are providing critical health services to a lot of needy people. The Bush administration, which is no fan of Medicare or Social Security, wanted to cut their reimbursement. Well, they will cut that reimbursement and fewer doctors will participate in the program and seniors will have a more difficult time getting their care.

So we started to bring to the floor a measure that would restore the pay for doctors helping patients under Medicare and we also provided some incentives in there for better practices to reduce overall costs to the Medicare Program. We paid for it by looking at the Medicare Advantage Program. The Medicare Advantage Program allows private insurance companies to offer Medicare benefits. The Republicans have always favored that, saying that creates a competitive atmosphere. Medicare competes against private health insurance when it comes to basic Medicare coverage. As a footnote, it is ironic that they would welcome this kind of competition from Medicare, but fought us tooth and nail when we tried to bring the same competition when it came to prescription drugs. Nevertheless, we said this Medicare Advantage Program costs too much money for the services provided. We have had expert testimony that it is about 13 percent more expensive for private health insurance companies to offer the same benefits as the Medicare Program. We took savings from that program and paid for the increase in pay for doctors under Medicare.

We didn't add to the deficit. I suppose that is why the Republicans, by and large, have turned on us. They don't want to pay for the actions they bring to the floor. They don't want to offset the costs of programs or tax cuts by actually balancing the books. They want to continue to add to our deficit.

The vote came up today, and nine Republicans crossed the aisle to vote for us. Overwhelmingly, they represented Republican Senators who are afraid they are going to lose in the election in November. They came over to join us and vote for our position. The Repub-

lican leadership was careful not to let too many come over. So at the end of the day, we were unable to bring this Medicare bill to the floor for debate.

So here we are at the end of a full week of the U.S. Senate, in Washington, DC, in our capital, on Capitol Hill, and we are beset by a world about us in turmoil, with the war in Iraq; we have a nation that is torn by energy prices, gasoline prices, and diesel prices; we have Americans concerned about their health care, and when we try three different times to bring to the floor of the Senate measures that address these challenges, each and every time the Republicans answered with a filibuster and stopped us from acting.

The sad reality is that the GOP, the Grand Old Party, has become a "Graveyard of Progress." I am afraid that is what GOP stands for these days. They cannot face the possibility of change. They are frightened by it, determined to stop it. They have stopped it with 76 filibusters, which is a recordbreaking number of filibusters in the Senate.

Well, we could not come up with 60 votes to turn that around; there are not enough Democratic Senators. The final word will be in the hands of the voters in November, on November 4. They can decide whether they want change in Washington, change in the Senate, or more of the same. They are going to have that opportunity in a series of elections. I hope those who follow this debate and believe this Government, working in a constructive bipartisan way, can achieve good things, will remember that when they go to the polls in November.

Let me say as well, Mr. President, that I have watched this Presidential campaign carefully because my colleague from Illinois, Senator OBAMA, is now, as they say, the "presumptive Democratic nominee" for the Presidential nomination. A long campaign awaits us, almost 5 months. Senator MCCAIN is a substantial and formidable opponent in this election campaign. But make no mistake, the voters are going to have a clear choice in this election about who will represent them in the White House for the next 4 years.

We are also initiating the first national dialog on health care reform in 15 years. For 7½ years, the Bush administration has summarily ignored the major problems facing America. When President Bush gets up in the morning and looks out the window of the White House, all he sees is Iraq. For 7½ years, that has been the focus of his attention and the centerpiece of his energy. I will tell you, there are many other things this President ignored at the peril of our great Nation. His economic policies have brought to us a sorry state.

Last Friday, we had the terrible announcement about a dramatic increase

in the price of crude oil, an increase in the price of gasoline, a substantial increase in unemployment, and a 350-point loss in the Dow Jones, in the stock market. It was a sad and gloomy Friday across America from an economic viewpoint. But even those large numbers—the big numbers that come to us at the lead of any newscast and on the front page of the paper don't tell the true and complete story.

The Senator from Vermont invited his constituents to talk about challenges they face as families all across his State. He has told me and our colleagues—and has spoken on the floor about it—that he was overwhelmed by the response. Ordinary people in Vermont—and I am sure those in Illinois are having a tough time—are struggling to pay for gasoline, for the increased cost of food. They understand utility bills are going to be challenging this summer to cool their homes, as we face a brutal summer in most parts of the country. They are scared to death, I know, in New England—because I visited there—of dramatic increases in the cost of home heating oil this winter. Those realities are translating into economic insecurity for some of the hardest working families in America.

If you just could consider what has happened under the Bush administration to the middle of the middle class in America. These are folks who are working hard every day, trying to raise families, are playing by the rules, and they are falling further and further behind. These are the ones, many times, who are losing their homes because of subprime mortgages and deceptions which led them to an indebtedness they could not handle, and now they face the loss of their home, one of their major assets, if not their only asset. They have transferred their debt onto credit cards as often as they can, but they reach a breaking point.

A friend of mine is on the risk committee for a major bank in this country. He told me that the balances on credit cards are going down because people realize they cannot pay any more and they cannot buy things they need. But the default on credit cards is going up, leading to even more bankruptcies. That is the reality.

President Bush doesn't understand that reality. His economic policies, which are supported by John McCain, are really based on one basic principle: cut tax rates for the wealthiest people in America. They continue to believe that if wealthy people have more money, somehow this will translate into a better quality of life for those working families and middle-class families who are struggling to survive. Well, 7½ years of that thinking led us to this point. These people, faced with the Bush economic policies, are struggling to get by.

The President doesn't understand the energy picture. Every 6 months, he

makes a trip to Riyadh, Saudi Arabia, and is seen holding hands with the sheiks of Saudi Arabia, begging them to release more oil into the United States and bring prices down. But they give him a pat on the back and send him off with the very curt answer of "no." They tell him time and again that they are not going to release more oil. They have plenty of customers around the world and they don't need the United States. That is the reality and totality of the Bush energy policy.

This President has yet to call in the CEOs of the major oil companies. In this country, these companies are reporting recordbreaking profits at the expense of families, businesses, farmers, and truckers. This President has yet to call them in and hold them accountable for what I consider to be pure greed when it comes to profit-taking. He won't call them in because, apparently, he believes that is the natural course of events, that some who are in a virtual monopoly position, providing energy and oil to this country, ought to have whatever profits they can reap at whatever cost to America's families and our future. I think the President is wrong.

There is another issue, the issue of health care. We know that under this President, more people have lost health insurance than ever in our history. People who had health insurance lost it because they lost a job or they could no longer afford it. Now they are completely vulnerable to any illness or diagnosis that could bring them down tomorrow and virtually destroy all of the savings they have. The status quo in health care in America isn't satisfactory. The American people know that. Despite President Bush's inaction, they want change.

Premiums for health insurance have been rising more than twice as fast as employees' wages, while this administration has been in power. The number of uninsured Americans has been increasing by more than a million people a year under President Bush. Each year, the United States spends about twice as much for health care per person as other developed nations. The closest nation in spending for health care to the United States per person, per capita, annually, is Luxembourg, which spends less than half of what we do. We spend about \$7,000 per year on health care per person. The United States, despite all the money being spent, continues to score poorly on measures of the public's health, such as life expectancy and infant mortality.

The challenge for this country and for the American people is making quality health coverage available and affordable for all Americans. We must take steps to improve quality and make our health care system more efficient so that we can get the greatest value for every health care dollar we spend. We have to put our health care

ideas on the table and start the real debate about change.

My colleagues on the other side of the aisle have put forward some ideas on health care reform. I applaud them for acknowledging the need to change, but I am concerned with the direction in which they want to take us.

One of their ideas is to create incentives for more people to buy health insurance in the individual insurance market. Those who support this idea talk about it in glowing terms. Think about it. They say you could choose your own health plan and keep your health plan when you change jobs. But they ignore the most important implication of that idea: You are on your own. Remember President Bush's famous ownership society, the ownership society that wants to privatize Social Security? Thank goodness that was rejected on a bipartisan basis. The model of the ownership society of President Bush and the philosophy behind this thinking is very basic: Just remember, we are all in this alone. That is their notion. It doesn't work. It doesn't work in life. It doesn't work in your family, in your community, or when it comes to health insurance. Anybody in a less-than-perfect health care situation doesn't want to be on their own. It is a place you end up when you have no option.

In most States, insurers are free to tell a person they won't cover them for a particular medical condition. To the cancer survivor, they can say: Congratulations for surviving cancer; we will cover you for everything else that might affect you but not for cancer. Or they can deny coverage altogether. Many of us in this Chamber would have trouble finding health insurance in the individual market, if it were available, and it might be too expensive. This would be a health insurance system the Republicans support that is a great idea for the young, healthy, and the wealthy but not for the rest of America. It would move our health insurance system in the wrong direction.

Those on the other side of the aisle are having trouble responding to these criticisms. They appear unwilling to require insurers to cover everybody, regardless of their health condition, or to require greater sharing of health costs between the young and the old and between the healthy and the sick. That would require Government regulation. They don't like to have the Government involved. They want the market to reach the conclusion. The market has already reached a conclusion when it comes to health care, which is that the cost of health care and coverage will increase every year, and it will cover less every year. That is what the market says, and that is what they accept.

They are caught in a dilemma because the free market insurance system, without reasonable regulation,

means allowing health insurers to enroll the healthy and exclude the sick. To get out of this ideological quandary, they have proposed an idea: creating high-risk pools for everybody insurers don't want to cover. Insurers would probably like that idea, to take the people for whom it is most expensive and put them in a separate pool.

Today, high-risk pools exist on a small scale in 34 States. These State high-risk pools can serve as a life preserver for people who have nowhere else to turn in the current health insurance system, but they should not serve as a foundation of a reformed health system.

State high-risk pools have many shortcomings. They are not often able to cover everybody who can't find affordable health insurance. Premiums are way too high. In Illinois's high-risk pool, a 50-year-old woman would have to pay more than \$800 a month in premiums for a policy with a \$500 deductible. Benefits are often limited. With these shortcomings, I cannot understand how these high-risk pools could be the bedrock of the Republican position when it comes to health care reform.

Some of my colleagues on the other side of the aisle also want to allow insurers to choose which State insurance regulations they want to live by. Proponents say this is a way to let all insurers sell insurance nationwide. But if you follow this, you know that doesn't work. Without State regulation and basic State requirements on coverage, there is no guarantee of solvency and no guarantee of coverage when you get sick.

If enacted, these changes would move our system in the wrong direction. Instead of pooling people together, those who are well and those who are sick, to spread the risk, Republicans would have us separate the healthy from those who are not healthy. Instead of helping people with chronic diseases, they are pushed over into high-risk pools with high premiums.

The whole point of expanding health coverage is to make sure you have access to quality, affordable insurance. Changes to our health insurance system that make health insurance cheaper for some but more expensive for others is hardly a solution. We need to create large purchasing pools and offer a wide range of plans. Change the rules for setting premiums so that health costs are shared more broadly between the healthy and the sick. We need to provide a tax credit to businesses that step up and say: We believe the health of our employees is as important as the money we pay them. We are going to make a sacrifice in our profit taking so that our coverage extends to not only the owners of the company but the employees. That kind of good, responsible civic conduct should be rewarded in our Tax Code.

I am glad we are starting to discuss health care reform again. Nothing is going to happen under this President. We are going to have to just count the days until January 20, 2009, when this President leaves office and another President comes to office, and the American people will then have a real chance for real change.

Mr. President, I yield the floor.

OIL PRICES

Mr. AKAKA. Mr. President, within the span of 1 week, the Senate missed three opportunities to engage in productive debate on how we can combat the rising price of oil, and alleviate the dangerous emission of greenhouse gases that contribute to global climate change. It is highly regrettable that we have missed these opportunities, especially when it comes at the expense of improving the Nation's welfare.

Americans are working harder, yet finding that their paychecks are not keeping up with inflation. Many are finding it difficult to pay their mortgages, health care expenses, and other daily needs. While relief, for some, is expected this July from an increase in the national minimum wage, more must be done to improve the lives of working families. Unfortunately, it has been difficult to work with this administration to make any meaningful changes that would assist working families.

On June 10, the Senate was blocked in its attempt to further debate two bills offering legislative solutions to rising oil prices and our reliance on foreign oil. One of them, the Consumer-First Energy Act of 2008, would have put consumers' concerns before those of the oil companies, by holding the companies accountable for price gouging and profit taking.

Families do not need to be reminded that rising oil prices contribute heavily to their rising bills for energy, transportation, shopping and groceries. These families, for the most part, have not had a corresponding increase in their wages. They find themselves in difficult financial positions, and having to make tough choices on what necessities to spend their money on. This strain is even more evident in my home State of Hawaii.

Hawaii depends on imported oil to supply more than 90 percent of our energy needs. The record-high crude oil prices cause higher processing charges for food and other manufactured items. The increase in cost for Hawaii's foods is due in large part to the higher cost of transporting the goods to the islands—80 percent of Hawaii's food products are imported via ship or airplane. Grocery prices have seen their biggest increase in nearly two decades.

Furthermore, the high cost of jet fuel results in higher airfare prices and reduction in flights significantly limit travel for Hawaii residents and tourists. The reduction in visitors traveling

to Hawaii could hurt our economy. While the Hawaii Visitors and Convention Bureau is proactively working to aggressively resuscitate the market, the hotel occupancy in April hit a 5-year low. The city of Honolulu is considering raising taxi meter fares in light of record gas prices and the downturn in tourism.

The administration must work with us to help our families and our communities by finding a way to decrease fuel prices. In addition, we must search for ways to reduce our dependence on oil. It is necessary that we continue to debate our energy future and enact appropriate reforms.

Meaningful debates on three significant bills were unfortunately curtailed, despite the agreement of many members that we must do something about increasing oil prices, our reliance on foreign oil, and the need for cleaner energy. The aforementioned Consumer-First Energy Act of 2008, the Renewable Energy and Job Creation Act of 2008, and the Lieberman-Warner Climate Security Act of 2008, would have helped the Nation move forward by continuing to invest in renewable and sustainable energy. Finding a solution should not be a partisan issue. Encouraging the development of renewable energy technologies will play a critical role in reducing greenhouse gas emissions and our Nation's reliance on fossil fuels. In Hawaii, we are mindful of preserving natural and cultural resources. We are also aware of the powerful potential of nature to provide sustainable sources of energy.

I am proud that we had bipartisan support for the Marine and Hydrokinetic Renewable Energy Promotion Act of 2007, which I introduced, and was later enacted into law as part of the Energy Independence and Security Act of 2007. This measure recognized that ocean and wave energy are viable sources of sustainable energy. We need to support marine renewable energy research and development of technologies to produce electric power from ocean waves. However, like many other tax credits for renewable energy, the incentives put in place to ensure robust investments will expire at the end of 2008. The Renewable Energy and Job Creation Act of 2008 would have extended these valuable credits.

By harnessing the Sun, wind, ocean, and geothermal power to generate electricity, Hawaii is trying to reduce our heavy reliance imported fuel and reduce our greenhouse gas emissions. The vast ocean, Sun, wind, and land are natural elements that we, as a nation, share and enjoy. We must do all that we can to encourage the development and production of renewable and sustainable energy technologies from these natural resources. Achieving our goals will only be possible if we approach the problem as responsible stewards of our environment. Together, we will make an impact.

I am committed to finding legislative solutions to ease the burden of increasing oil prices and to reduce greenhouse gases. As responsible stewards, we must do what we can to uphold the welfare of our environment and our Nation for the generations to come. An investment in the development and implementation of renewable energies is a significant part of the solution. I stand ready to work with others to enact legislation to address these concerns.

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

MAJOR SCOTT HAGERTY

Mr. INHOFE. Mr. President, I wish to pay tribute to a very special person, one of our fallen heroes, MAJ Scott Hagerty. I feel a very personal relationship with this man. As we all do when we hear of a tragic loss, we research and see what he was doing, where he was. It is almost impossible to conceive of the idea that maybe I didn't even meet him personally because, in looking at where he was in Afghanistan and when he was there, where he was in Iraq and when he was there—I was there at the same time. Ironically, even in northern Uganda. Not many people even know where Uganda is, but in a minute I will share a few things that are going on there and what Scott Hagerty was doing.

Scott died on June 3, 2008. He gave his last full measure when an improvised explosive device detonated near his vehicle while he was on patrol in Zormat, Afghanistan. Scott was a member of the Army Reserve and was assigned to the 451st Civil Affairs Battalion, Pasadena, TX.

Born and raised in Oklahoma, Scott graduated from Stillwater High School in 1984. As a senior in high school, he joined the U.S. Army at the rank of a specialist. He earned a bachelor's degree in political science, pre-law, and international relations from Oklahoma State University—OSU—in 1993.

He received his commission through the ROTC program and then completed the Field Artillery Officer Basic Course at Fort Sill. After serving on active duty, he continued his service in the Army Reserve. He spent 11 years with the 291st Regiment in Oklahoma before transferring to the U.S. Army Civil Affairs and Psychological Operations Command, Airborne, in 2004.

Scott married his wife, Daphne, 12 years ago. They have two sons, Jonathan 10 years old and Samuel 21