Whereas for over 50 years the Small Business Administration has helped approximately 22,000,000 Americans start, grow, and expand their businesses and has placed almost $250,000,000,000 in loans and venture capital financing into the hands of entrepreneurs;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business; and

Whereas the Small Business Administration will mark National Small Business Week, the week beginning April 24, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) honors small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005;

(2) supports the purpose and goals of National Small Business Week; and

(3) commends the Small Business Administration and the Small Business Administration's resource partners—

(A) for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(B) for being key players in the Nation's economic vitality.

CORRECTING THE ANABOLIC STEROID CONTROL ACT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 893, introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 893) to make technical corrections to the Anabolic Steroid Control Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (S. 893) was read the third time and passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

TRANSPORTATION EQUITY ACT; A LEGACY FOR USERS—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed on H.R. 3, which the clerk will report:

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. INHOFE. Mr. President, on Friday, the leader filed a cloture motion on the motion to proceed to H.R. 3, the highway bill. I believe the cloture vote has been scheduled for tomorrow at 11:45 am. I strongly urge all of my colleagues to vote yes.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, nearly 19 months ago. Yet we are still attempting to get a bill done. The Federal-aid program has been operating under a number of short-term extensions—a total of six to date.

We need to get this done. The vote on Tuesday on cloture is critical. If we cannot proceed to this bill, we will miss yet another deadline and our States will continue to pay the price. The current May 31 expiration date for the highway, transit and safety programs is fast approaching. The House bill, H.R. 3, has some very significant differences from S. 732 the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, SAFETEA, the bill reported out by the Environment and Public Works Committee on March 16. We will need as much time as possible to work out a compromise. Although we may not all be in perfect agreement here on the Senate floor on each and every provision of S. 732, one thing I believe we are all in agreement on is that we need to get this done. In addition to conversations with colleagues, I have visited with community leaders and outside interest groups and the message is clear . . . get the bill done.

My committee colleagues and I are asking the Senate to consider essentially the same language that 76 Senators voted for in 108th Congress. The Environment and Public Works Committee used as its mark the Senate-passed S. 1072 with the exception that we adjusted the numbers to reflect the President's proposed spending level of $284 billion over 6 years. During our markup we accepted several non-controversial amendments from committee members. None of these amendments substantially changed the policy goals of the bill as passed last year.

Therefore, I strongly urge my colleagues to support the pending cloture motion and allow us to move to H.R. 3. We really need to keep this moving. The longer we delay enactment of a long-term bill, we are negatively effecting economic growth. According to DOT estimates, every $1 billion of Federal funds invested in highway improvements creates 47,000 jobs. The same $1 billion investment yields $500 million in new orders for the manufacturing sector and $500 million spread throughout other sectors of the economy.

State contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to send a bill to the President by May 31st, States will not know what to expect in Federal funding and the uncertainty will potentially force States to delay putting these projects out for bid. According to the American Association of State Highway Transportation Officials—AASHTO, an estimated 90,000 jobs are at stake. This problem is exacerbated for northern States, such as Alaska, that have shorter construction seasons. Many State transportation departments have advanced State dollars to construct projects eligible for Federal-funding in anticipation of our action to reauthorize the program. Without a new bill, States are essentially left ''holding the bag.''

Over the past 6 years under TEA–21, we have made great progress in preserving and improving the overall physical condition and operation of our transportation system. However, more needs to be done. A safe, effective transportation system is the foundation of our economy. We are past due to fulfill an obligation to this country and the American people.

I am pleased that the President's budget assumed more funding for reauthorization over his previous level of $256 billion. I and along with many of you believe we need more. Certainly that is an issue that will be thoroughly debated on the floor of the Senate, but we can't even have that debate unless we get to the floor.

Again, if we are able to proceed, the language that the Senate will be considering is essentially the same bill that was passed on the Senate floor last year—a bipartisan product of many months of hard work and compromise. This bill remains a very good piece of legislation which I hope will require few, if any, changes here on the floor. However, I am anxious to discuss with Senators their amendments so that we can debate them and hopefully get this bill in conference with the House prior to the recess, but we need to get to the bill first.

S. 1072 passed the Senate last year guaranteed all donor States a rate of return of 95 percent. I can remember that was 75 percent when I first came here. At a lower funding level we were able only to achieve a 92 percent rate of return but kept the 10 percent floor over TEA–21. The scope, or split of percent funding above and below the line, remain the same at 92.5 percent.

In order to get this bill off the floor, we have to balance the needs of donor and donee States. I will be the first to acknowledge that this balance—as with any compromise—is not perfect. My colleagues representing donee and donor States that receive lower rates of return or growth rates than they feel fair have made this fact very clear to me over the past year.

I am very sympathetic to the concerns of both donors and donees in this

situation. Both have significant transportation needs that cannot be ignored. Addressing their concerns has become more difficult in the last year due to the fact that we have less money. Providing either group with more money would add significantly to the cost of the bill or take away from other programs. But holding up even consideration of this bill will not solve the problem. We need to proceed to H.R. 3 so that donor and donee States will have the opportunity to offer their amendments on how to improve their State's treatment.

I am certain my colleagues share my strong desire to get a transportation reauthorization bill passed. We must act to get a bill to and through conference prior to the May 31 expiration of the current extension. This will be a very difficult challenge, but if we act quickly we can do it.

Now let's look at the alternative. What will happen if we do not pass a highway bill? There will not be another extension. If we don't pass the bill there will be no chance of improvement on donor State rate of return and no new safety core program to help Spates respond to thousands of deaths each year on our roadways.

Our bill up has many safety provisions, as the ranking Democrat, Senator JEFFORDS knows. We didn't agree on all these, but we finally agreed on a final product. Without a bill, there will be no real streamlining of environmental reviews, so critical products would be still subject to avoidable delays. There will be no increased ability to use innovative financing, thereby giving States more tools to advance projects.

Out in California, they have done some things that are working very well. We have studied these and put some very innovative provisions in this bill to allow us to get more for the dollar than we can get today. But without a bill, we cannot do that.

Without a bill, we would not have any Safe Routes to School. This is a program many of the Democrats and Republicans in the House and Senate have embraced. But without a bill, we will not have that.

Without a bill, the States will continue to have uncertainty in planning, thereby delaying projects and negatively impacting jobs.

It is easy to sit up here in Washington and be indecisive about these things, but the States have to make plans in advance. For each delay, that is less they are going to get.

Without a bill, we have no new border program, which is critical to border States dealing with NAFTA.

Without a bill, we have delay in the establishment of the national commission to explore how to fund transportation in the future. It is something we have been doing essentially the same way year in and year out, but we are studying new methods now as motor vehicles are more fuel efficient and a tax collection system based solely on fuel consumption becomes less practical.

Without a bill, we won't have any increased opportunity to address choke points at intermodal connectors.

The firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs.

It is very important that we move forward. We studied this for a year and a half before coming to the Senate a year ago right now. Certainly the ranking Democrat on the committee, Senator JEFFORDS, can remember the months and months we worked on it. We came to the Senate with a good bill, passed it, went to conference, and were unable to get a vote on the conference report. Because of that, all these 10 things I mentioned did not happen this year. For all these things to happen, to move forward, we have to have a bill. We cannot have a bill until we vote on the motion to proceed so that we will be able to move to the bill. That is what this is all about.

I recognize the ranking Democrat on the Environment and Public Works Committee, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I thank Senator FRIST for the opportunity to debate this important legislation.

I also thank Senator REID for his leadership in getting us to where we are today on this bill.

In addition, I thank Chairman INHOFE, Senators BOND, and BAUCUS, as well as other chairmen and ranking members for all of their hard work and cooperation on this legislation.

A little over a year ago, I stood before my colleagues, in the same place I am standing now, asking for their support of our Nation's surface transportation system.

I am hopeful now, as I was then, that we will be able to work in a bipartisan fashion to pass this legislation quickly so our states can proceed with their critical work.

Today we are in a similar situation as we were a year ago.

Our bill maintains the important principles that were developed over the years of work in our committees.

We continue to grow and support the core programs that are the building block of a strong transportation system.

We maintain flexibility for States, because they know best how to meet their needs.

We also try to increase the funds going out to the States.

This bill will enhance safety on our Nation's highways through education, better infrastructure, and enforcement.

The increased intermodal flexibility set forth in the bill will allow States, if they wish to improve freight handling and movement.

The growth in congestion mitigation and air quality funding will help States improve air quality, reduce pollution and address congestion.

The bill makes it easier for States to mitigate project effects on habitat and wetlands, and retains and expands popular programs such as enhancements recreational trails and scenic byways.

This bill also reduces congestion on our Nation's roadways by enhancing public transportation and promoting intermodal solutions to regional transportation problems.

These are all critical components to a successful bill and I am glad that, through much hard work, we were able to develop strong national policy.

It may not be exactly what any one Member would have crafted on his or her own, but this is a strong and unified step in the right direction.

There are, however, some key differences.

A year ago, we presented you with a well-funded bill that struck a delicate balance between the core programs and flexibility on program and modal spending at the State and local level.

This time our job was made more difficult by fiscal constraints insisted upon by the administration.

The White House has suggested an overall funding level for surface transportation of $284 billion over 6 years.

This despite the President's own Transportation Department saying we need at least $300 billion to simply maintain the status quo, and something well above that level to make progress on conditions and performance.

Last year the Senate passed a highway bill at $318 billion with 76 votes.

It is unfortunate that the President fails to see the value of a robust transportation program.

It is unfortunate the President fails to see the jobs that will be lost, and the roads and bridges that will go unrepaired and unbuilt.

It is unfortunate the President doesn't see the lives that could be saved with better roads and the time that will be wasted sitting in traffic.

All of this is the result of inadequate funding.

While my colleagues and I have continued to impress upon him the value of increased funding, we continue to work within the box that the administration has put us in.

We tried to meet everyone's needs while not neglecting our responsibilities to the highway trust fund.

This is a very difficult task given the restrictions this administration has imposed on us.

But we did what was asked of us.

All of the committees have acted and passed a bill at $284 billion.

Make no mistake—we have made sacrifices that none of us wanted.

I am hopeful we will increase the funding in this bill as we move it through the Senate in the coming days.

That said, I stand here before you with the structure of a bill that has the potential to move our transportation system forward—not the giant leap we had hoped to make but meager steps that I hope will be the first of many in helping us get where we need to go.

Mr. President, I need not remind you that the authorization for this program expired 19 months ago.

In that time, there have been nearly 70,000 traffic fatalities with an economic cost of over $370 billion.

Americans continue to sit in traffic for close to 50 hours a year, 10 minutes more per hour traveled than when the last reauthorization bill was passed.

Mr. President, 18 percent of our roads are in poor or mediocre condition; 29 percent of bridges are deficient or functionally obsolete; over a quarter of our transit facilities are in below average condition; more than 3 million jobs are waiting to be created.

While we neglect to act, transportation in this country continues to degrade.

Things are getting worse, not better.

We have lost one construction season and are on our way to missing another.

In northern States such as Vermont, this is not a little problem. It is a big one.

We must act on this legislation now.

We must pass a nationwide surface transportation reauthorization bill this year.

I look forward to working with my colleagues to debate H.R. 3 on the Senate floor.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I say to my good friend, Senator JEFFORDS, we are not political equals in philosophy; yet I, as a conservative, agree with everything the Senator has said in terms of the need for roads and the need for infrastructure.

Senator JEFFORDS talked about some of the deficiencies we have, but I have to say in my State of Oklahoma the FAWA goes out and they rate roads and bridges. Oklahoma is dead last in bridges. This is a life-and-death situation. We lose lives every year.

A lot of my friends say: Well, you did not want to have a robust, expensive highway bill. I say to them: That is what we are supposed to be doing here.

I am a conservative. There is no one more conservative, according to the ACLU, than I am in this Senate. Yet I can say we need to spend money on infrastructure in the United States.

I will say a little bit about the formula of which I have been very proud. Both my good friend from Vermont and I used to serve in the other body before we came to the Senate. At that time, I was on the Transportation Committee in the House. I watched the way we did things there and how we do things here. I don't want to be critical of the way the other body operates, but we do it in a more fair and equitable way.

It would be easy—if we needed 60 Senators, we could give them projects until everyone signed on, and then forget about the other 40, have a vote, and go home. That could happen, but we did not do that. We have a complicated formula.

This creates different anxieties in different States where there is opposition because in one particular area they do not do as well as another State. Let me give an example of how complicated the formula is.

In a formula, you take into consideration an abundance of items, such as interstate lane miles. This is something in the formulas we take into consideration. Obviously, there is a reason. Or vehicle miles traveled, which is referred to as VMT. Over the next few days we will hear that quite often. The vehicle miles traveled on interstate has to be something to consider in terms of authorizing a 6-year program.

The contributions to the highway trust fund are very significant. We hear from some of the large States that they give more to the highway trust fund. I suggest it is not just people in that State who are making those contributions; people driving through the State also have to buy fuel in those States.

The lane miles on principal arteries, excluding the intersection, is weighted in the formula to a percentage. The VMT on principal arteries is considered. Diesel fuel used on highways is a consideration. Total lane miles on principal arteries divided by population is considered when we look at a formula that would affect all 50 States. So total lane miles on Federal aid highways, total vehicle miles traveled on Federal aid highways, the contributions to the highway trust fund, or the highway account, attributable to highway users, the cost to repair or replace deficient highways and bridges have to be considered. In the State of Alaska, for example, the Presiding Officer's State, it is more expensive. They have severe winters in Alaska. We do not have severe winters in some of the Southern States. This has to be part of the consideration.

The weighted nonattainment and maintenance area, population, the equal shares to each eligible State on highways, recreational trails program, the border planning, borders and corridors—this is significant to States such as California and Arizona, Texas, Florida, and, of course, the northern tier of States. The border States' share of cargo weight, what their share is of cargo value, the number of commercial vehicles entering the border State, the number of passenger vehicles entering the border State—all these are part of the formula.

We have low-income States. My State of Oklahoma is a low-income State. The State of Arizona is a high-income State. That is a consideration. One of the chief workers on the bill has been Senator BAUCUS from Montana. He is the ranking member on the committee; KIT BOND chairs that subcommittee on transportation within our committee. He has a low-population State. Obviously, if you have a low-population State, that has to be a consideration. There still have to be roads so they can travel and other people can travel through their States. But if they base it all on getting 100 percent back, and they do not have extra consideration—that has to be part of the formula.

Low-population-density States is a factor. The high fatality rates are a factor. The fatality rate in my State of Oklahoma is higher than average. The guaranteed minimum growth of each State—there is a limit applied to that—and the guaranteed minimum rate of return for donor States is a consideration. I remember when that guaranteed minimum rate of return for donor States was 75 percent, and it only crept up to 80, 85 and 90; now we operate on 90.5 percent. If we passed the bill offered last year, the way it passed in Senate, we would be at 95 percent. Every State would be guaranteed 95 percent return of donations of that State.

If we did not do it this way, we could do it the politically easy way—handing out projects until it is done. But that is where pork comes in. That is where most of the criticism comes from. I have heard a lot of the commentators talk about the highway bill the Senate has is full of projects and pork. My response is they have not read it yet. There are only two projects in the entire bill. Only two. On the other side, there are several hundred. It is a totally different approach.

So we have these things that are of major consideration. We have to get this bill done. The best way to get it done, of course, is to vote favorably tomorrow on the motion to invoke cloture on the motion to proceed, and then to move on to the bill.

Now, we have several people who may wish to speak. I mentioned Senator BOND, who is the chairman of the Transportation Subcommittee. Senator BAUCUS, who has been very helpful in working with us, is the ranking member of the subcommittee. There is Senator JEFFORDS and myself. Of course, we have 18 members of our committee. We would like to invite them to come down right now. I will defer to anyone who wants to come down and talk about this legislation. In the event that nobody shows up, I have more to say. I think, probably, the Senator from Vermont might have more to say, too.

So at the present time I will go ahead and suggest the absence of a quorum and encourage members of our committee and others who want to be heard on the highway bill to come down and speak.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak for up to 30 minutes as

in morning business. However, I want to say if anyone comes down to speak on the motion to proceed to the highway bill, I will stop at that point so they can be recognized. I will yield to them. However, I want my entire speech to be printed in the RECORD as if given intact.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THIRD PILLAR OF CLIMATE ALARMISM

Mr. INHOFE. Mr. President, today I will continue my series of the four pillars of climate alarmism. This is the third pillar speech. In my first speech, I outlined how the media and some of the environmental extremists distorted, exaggerated, and mischaracterized a major climate change report from the National Academy of Sciences.

I showed how the left and the media exaggerated a document that contained numerous caveats about the uncertainties of current knowledge and the caution that its conclusions were tentative, proclaiming the report showed conclusively that global warming due to man is occurring.

In my second speech, I described some of the more serious and, indeed, fatal flaws in the 2001 Third Assessment Report from the U.N.'s Intergovernmental Panel on Climate Change, known also as the IPCC, which I will refer to from time to time. In that speech, I exposed how Michael Mann's now infamous ''hockey stick,'' the flagship of the IPCC's claims that global warming is real, has been thoroughly discredited in scientific circles, and that the IPCC's projections of future carbon emissions, which drive temperature model conclusions, have been proven to be based on political decisions that, by the end of the century, countries such as Libya will be as wealthy or wealthier than the United States.

Now, I would like to examine the Arctic Climate Impact Assessment Report, which received considerable attention on its release late last year. Last November, the Arctic Council, described as a ''high-level information forum'' that includes the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden, released its 140-page arctic synthesis report, entitled, ''Impacts of a Warming Arctic.'' It details the major findings from the Arctic Council's 1,200-page scientific report, which will be released in the coming weeks.

The essence of the synthesis report is this: The Arctic is experiencing unprecedented climate change, caused, in large part, if not entirely, by manmade greenhouse gas emissions, while projections show dramatic Arctic warming accompanied by even more pronounced changes that will have serious repercussions for the entire planet.

At first blush, the report appears to be quite impressive. It contains glossy photos, charts, and graphs, and was produced by some 300 scientists from several nations. But it lacks virtually any scientific documentation, which casts doubt on the report's page after page of unqualified, matter-of-fact claims about Arctic warming. That documentation, we are told, is forthcoming in the more lengthy scientific report. So it is unclear if the 140-page document accurately reflects the contents of the scientific report.

If it does, then the scientific report simply ignores or dismisses reams of peer-reviewed scientific work contradicting the Arctic Council's conclusions. If it does not, then the synthesis report would appear to be an exercise in global warming propaganda.

The release of the report created a media sensation with nearly every major news outlet declaring, once again, that the scientific consensus on global warming had been reaffirmed.

Here is the Chicago Tribune's report from November 24, 2004:

> The council's 140-page report, four years in the making, warns of immense ice melts, a dramatic rise in ocean levels, the depletion of the Gulf Stream and other sea currents, wild fluctuations in weather patterns, increased ultraviolet radiation and wrenching dislocations in the food chain and habitat.

In equally dramatic fashion, the Associated Press described the report this way. It said:

> This most comprehensive study of Arctic warming to date adds yet more impetus to the projections by many of the world's climate scientists that there will be a steady rise in global temperature as the result of greenhouse gases released into the atmosphere from the burning of fossil fuels and other sources.

Such descriptions of the report are really not far off the mark, and for good reason. In this case, the media and extremist groups got exactly what they wished for—140 pages detailing a daunting list of projected environmental catastrophes: permafrost melting, infrastructure collapsing, glaciers vanishing, sea levels rising, coastal communities flooding, polar bears facing extinction.

Worse, the authors left the impression that these scenarios were all but assured, despite the fact that the assumptions on which they are based are highly uncertain—a point I will examine later in this speech. Thus, no spin, distortion, or exaggeration on the media's part was necessary.

The synthesis report constructs a deceptive picture of climate changes that have occurred in the Arctic over the last 30 years, particularly with respect to temperature change. A major piece of evidence supporting the Arctic Council's alarmist conclusions is the Arctic's ''unprecedented'' temperature increase over the last several decades. The report's authors make the following statement on page 23. I am quoting now. It says:

> Examining the record of past climatic conditions indicates that the amount, speed, and pattern of warming experienced in recent decades are indeed unusual and are characteristic of the human-caused increase in greenhouse gases.

Specifically, according to the Council, annual average temperature in the Arctic has increased at almost twice the rate of the rest of the world, while winter temperatures in Alaska and western Canada have increased about 3 to 4 degrees Celsius over the past half century, with larger increases projected in the next 100 years.

Surely, this is proof of unprecedented, human-induced warming, and of worrisome warming trends for the future? Not quite. Let's take a closer look at the peer-reviewed literature on the temperature history of the Arctic, which the Arctic Council's synthesis report totally ignored.

First, in the November 2002 issue of the Journal Holocene, researchers examined proxy temperature data in northern Russia spanning over 2,000 years. They found that ''the warmest periods over the last two millennia in this region were clearly in the third, tenth to twelfth, and during the twentieth centuries.'' The earlier periods, they claim, were warmer than those of the 20th century, while 20th century temperatures appeared to peak at around 1940.

For a much broader perspective on Arctic temperatures, one can read the 2003 paper by researcher Igor Polyakov in the journal EOS, a publication of the American Geophysical Union. In the paper titled ''Trends and Variations in Arctic Climate Systems,'' Polyakov studied land and ocean data from northward of latitude 62.5 degrees north, dating back to 1870.

As is obvious from this chart, one can see that current temperature over the entire region is similar to that measured 70 years ago. According to Polyakov:

> Two distinct warming periods from 1920 to 1945, and from 1975 to the present, are clearly evident.

He goes on to note that ''compared with the global and hemispheric temperature rise, the high-latitude temperature increase was stronger in the late 1930s to the early 1940s than in recent decades.''

Strangely there is no mention of this in the Arctic report, but alarmists don't seem to care. They would probably respond that: 300 scientists from all over the world believe such warming is occurring. You, sir, have merely identified two whose research presents a contrary view.

To answer that charge I will submit for the RECORD an impressive list of scientists from several countries, including the United States, whose peer-reviewed work shows current Arctic temperatures are no higher than temperatures recorded in the 1930s and the 1940s.

Let me quote from a few salient examples. In a 2003 issue of the Journal of Climate, seven researchers concluded the following:

> In contrast to the global and hemispheric temperature, the maritime Arctic temperature was higher in the late 1930s through the early 1940s than in the 1990s.

Here is another excerpt from the 2000 International Journal of Climatology, Dr. Rajmund Przybylak of Nicholas Copernicus University in Torun, Poland. It reads:

The highest temperatures since the beginning of instrumental observation occurred clearly in the 1930s and can be attributed to changes in atmospheric circulation.

Finally, in 2001, researchers examined a 10,000-year span of sea core sediment in the Chukchi Sea and concluded that ''in the recent past, the western Arctic Ocean was much warmer than it is today.'' They also found that ''during the middle Holocene [approximately 6,000 years ago] the August sea surface temperature fluctuated by 5 degrees Celsius and was 3–7 degrees Celsius warmer than it is today.'' Obviously, the middle Holocene period was not known for SUVs and coal-fired powerplants.

To get a fuller sense of the report's bias, consider the Arctic Council's geographical definition of ''the Arctic.'' This is important because the temperature record differs depending on one's definition. The Arctic report's temperature record includes data from northward of latitude 60 degrees North. Why the Arctic Council chose this point is not explained. In fact, the report's authors responsible for defining the Arctic admitted last November that their choice was arbitrary.

The Arctic Council's starting point is problematic for two reasons. First, Dr. George Taylor, Oregon's State climatologist and a past president of the American Association of State Climatologists, recently examined Arctic temperature trends using different starting points. As Dr. Taylor found, ''[u]sing 60 degrees North introduced a lot of . . . questionable Siberian stations.'' In other words, measurements at that point are based in part on bad data.

Second, other researchers see the Arctic differently, and probably more accurately when describing long-term temperature trends. Polyakov, for example, defined Arctic as northward of 62.5 degrees North. This 2.5-degree difference is not trivial. Temperatures can change significantly between 62.5 degrees North and 60 degrees North. In fact, pushing the geographical boundaries southward, as the Arctic Council did, contributes to a substantial upward bias in temperature measurements.

Not only was the Arctic region arbitrarily defined, it appears that marine and coastal-based data were arbitrarily excluded from the report's temperature record. This is strange, considering two-thirds of the Arctic is covered by the Arctic Ocean. So it seems unreasonable to use only land-based stations, as the Arctic Council did, and not to include coastal stations, Russian drifting stations in the Arctic Ocean, and drifting buoys from the International Buoy Programme, as Polyakov and his colleagues did.

Using such data reveals a less dramatic temperature picture than the Arctic Council's. In 1993, University of Wisconsin climatologist Jonathan Kahal examined declassified data collected over the Arctic Ocean during the Cold War. In a paper in the journal Nature, Kahl found an ''absence of evidence for greenhouse warming over the Arctic Ocean in the past 40 years'' and a net decline in Arctic temperature. Admittedly, Kahl's temperature history stretches only from 1958 to 1986. But more importantly, it relies on marine and coastal-based data.

Dr. Taylor was among many mystified by these omissions. For him, there is only one possible explanation: ''The [Arctic Climate Impact Assessment] appears to be guilty of selective use of data.'' He further explained, ''Many of the trends described in the document begin in the 1960s or 1970s—cool decades in much of the world—and end in the warmer 1990s and early 2000s. So, for example, temperatures have warmed in the last 40 years, and the implication, 'if present trends continue,' is that massive warming will occur in the next century. Yet data are readily available for the 1930s and early 1940s, when temperatures were comparable to (and probably higher than) those observed today. Why not start the trend there? Because there is no net warming over the last 65 years?

This is kind of interesting because I can remember also giving a speech where I showed the cover of ''Newsweek'' magazine and the cover of ''U.S. News and World Report.'' This was back in the 1970s. And the headlines were: Cooling period is coming; a new ice age is coming. We are all going to die. It is the same thing people are saying about a warming climate. If your starting point is at the end of that cold period, it gives a distortion, if there has been no net warming over the last 65 years.

In the pop culture version of global warming, there is no greater attraction than melting glaciers and sea ice. Press accounts appear daily of new studies purporting to show a widespread glacial retreat stemming from man-made greenhouse gas emissions. Warnings abound that this melting will cause a calamitous rise in sea levels. True to form, the Arctic Council follows the same story line, asserting that, ''glaciers throughout the Arctic are melting.'' ''This process is already under way,'' the report states, ''with the widespread retreat of glaciers, snow cover, and sea ice. This is one reason why climate change is more rapid in the Arctic than elsewhere.'' but is this really the case?

Interestingly, the IPCC Third Assessment Report references peer-reviewed studies that contradict the Arctic Council's assessments. The IPCC, an organization convinced of the validity of the global warming consensus, noted that, ''Glaciers and ice caps in the Arctic also have shown retreat in low-lying areas since about 1920,'' but also stated, ''However, no increasing melting trend has been observed during the past 40 years.''

Sonar data on sea ice collected in the 1990s also tell a different story. As the BBC wrote in 2001. ''The latest and most comprehensive analysis yet of the sonar data collected in the 1990s shows little if any thinning—at least towards the end of that decade. Indeed, at the North Pole, there are indications in the data that the ice even got a little thicker.''

What they are saying is, there are some areas that you can visibly go to and say yes, glaciers are melting, but in other areas it is getting thicker.

Among other omissions, the Arctic Council gave little weight to the observed variability of Arctic sea ice thickness. The term ''observed variability'' of sea ice thickness has specific meaning in the Arctic: Scientists estimate that sea ice mass there can vary by as much as 16 percent in a single year. As Dr. Seymour Laxon, a lecturer in the Department of Space and Climate Physics at the University College London, explained, ''The observed variability of Arctic sea ice thickness contrasts with the concept of a slowly dwindling ice pack, produced by global warming.''

So what causes these variations in sea ice mass? In 2002, Dr. Greg Holloway, of the Institute for Ocean Sciences in Sidney, Canada, and his colleagues Dr. Tessa Sou, showed that decadal wind pattern changes caused a shifting of Arctic sea ice, creating thinner ice in some regions and thicker ice in others. As Dr. Holloway explained, ''It's a circumstance where the ice tends to leave the central Arctic and then mostly pile up against the Canadian side, before moving back into the central Arctic again.'' Based on this research, Dr. Holloway believes that ''we have been a little bit overly stampeded into the idea that here is a terribly alarming melting taking place.''

Holloway is not alone in his assessment. In 2003, German researchers Cornelia Koeberle and Ruediger Gerdes found evidence of natural ''wind stress'' strongly affecting variability in Arctic sea ice. ''The results make connecting 'global warming' to Arctic ice thinning very difficult for two reasons,'' the researchers wrote. ''First, the large decadal and longer-term variability masks any trend . . . Second, the wind stress strongly affects the long-term development of ice volume. A long-term change in wind stress over the Arctic, possibly by an increase in the number of atmospheric circulation states that favor ice export, would affect the ice volume in a similar manner as a temperature increase.''

In addition to questionable claims about Arctic sea ice, the Arctic report includes dubious projections about the Greenland Ice Sheet. Climate models, the Arctic Council reports, ''project that local warming in Greenland will exceed 3 degrees Celsius during this century.'' The result? ''Ice sheet models project that a warming of that magnitude would initiate the long-term

melting of Greenland Ice Sheet.'' And furthermore, ''Even if climactic conditions then stabilized, an increase of this magnitude is projected to lead eventually (over centuries) to a virtually complete melting of the Greenland Ice Sheet, resulting in a global sea level rise of about seven meters.''

This sounds ominous, but again, peer-reviewed literature on the subject, excluded from the Arctic report, tells a countervailing story. For example, a team of experts at Los Alamos National Laboratory recently examined Greenland's instrumental surface temperatures. Here's what they found: ''Since 1940, however, the Greenland coastal stations data have undergone predominately a cooling trend. At the summit of the Greenland ice sheet, the summer average temperature has decreased at the rate of 2.2 [degrees Celsius] per decade since the beginning of the measures in 1987.'' We are talking about a reduction in temperature, of an increase.

Finally, the report's projections for the Greenland ice sheet, glaciers, and sea ice were based on data obtained from global climate models. Those projections assume anthropogenic warming, and proceed to show a gradual but persistent melting of glaciers and ice, leading to a dangerous rise in sea levels. However, as climate scientists have repeatedly pointed out, climate models are highly imperfect. In fact, they are notoriously inaccurate in how they simulate the complexities of the climate system.

This is especially true of Arctic climate. According to a letter signed by 11 climate scientists, sent to the Senate Commerce Committee last fall, ''Arctic climate varies dramatically from one region to another, and over time in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic.''

Researchers associated with the University of Alaska-Fairbanks wholeheartedly endorsed this view. They recently wrote, ''Unfortunately, most global climate models are not capable of sufficiently reproducing the climatological state of the Arctic Ocean, sea ice and atmosphere . . . as [an] example, the simulated sea ice thickness is overestimated, and its overall pattern is in error, with the thickest ice located in the Siberian instead of the Canadian sector of the Arctic Ocean.''

Based on these well-documented technological constraints, how can one take seriously the Arctic Council's claim that ''While the models differ in their projections of some of the features of climate change, they are all in agreement that the world will warm significantly as a result of human activities and that the Arctic is likely to experience noticeable warming particularly early and intensely''?

The alarmist nature of the Arctic report is to be expected. How else can they justify its enormous costs of regulating carbon dioxide? We know the costs of this would be enormous. Wharton Econometrics Forecasting Associates—this is from the Wharton School of Economics, not from Senator JIM INHOFE—estimates that implementing Kyoto would cost the average American family of four $2,715 a year. Acknowledging the holes in the science underlying claims of catastrophic global warming would undermine their agenda. What is the agenda? Two international leaders have said it best.

Margot Walstrom, the EU's environmental commissioner, said that Kyoto is ''about leveling the playing field for big business worldwide.'' French President Jacques Chirac said during a speech at The Hague in November 2000 that Kyoto represents ''the first component of an authentic global governance.'' That is what they want to do, level the playing field for big business worldwide, bring the United States down to Third World status eventually, and have an authentic global governance.

Based on these and other major deficiencies, the Arctic Climate Impact Assessment hardly serves as compelling proof that greenhouse gas emissions are causing unprecedented changes in Arctic climate, or that trends point to a future marred by widespread damage to Arctic ecosystems. To be sure, the report fails to provide a thorough, balanced, comprehensive overview of the most compelling research on Arctic climate.

Instead, the so-called ''synthesis report'' is a biased, selective examination of climate trends in the Arctic. It completely ignores well-known, established facts. For instance, it is firmly established that Arctic temperatures in the late 1930s and early 1940s were higher than in the 1990s and that Greenland's temperatures in recent decades have undergone a cooling trend, not a warming trend. It is also well known that sea ice mass can vary by as much as 16 percent in a single year. Moreover, this report fails the test of transparency and openness and lacks virtually any documentation. It reads more like an ideological tome. Extremist groups are using it as a legal brief to sue energy producers on behalf of Arctic peoples. Hardly surprising.

Dr. George Taylor, Oregon's State climatologist, succinctly described the report when he said: ''Nice graphics, but bad science.''

This is what we have been hearing. The extremists have to make us believe that something catastrophic will happen. The same people who are talking about global warming today were the ones who, in the 1970s, were talking about global cooling, saying another ice age is coming. It is interesting.

I recommend reading a book by Michael Creighton called, ''The State of Fear.'' Michael Creighton is one of the best-known authors in America. He writes fiction; these are novels, but he is a scientist and also a medical doctor. He was going to write a novel on global warming and the terrible things that could happen. Instead of that, after he did research, he wrote another novel. While it is fiction, its footnotes are all scientific. I recommend that book. As any thoughtful person who has a scientific background will tell you, the idea of global warming very well may be the greatest single hoax ever perpetrated on the American people.

With that, I made the comment before speaking that I am anxious for Members to come down and talk about our bill. We are now under debate on the motion to proceed to the consideration of the highway bill, H.R. 3. We will have a vote on that motion to proceed tomorrow morning. The vote is set for sometime around 11 o'clock tomorrow morning. I have been told there are some Members who wish to speak in morning business. I would like to inquire, if there are any real long speeches, if at some point someone comes down to speak on the highway bill, or on the motion to proceed to that bill—I would not want a commitment, but I would request they defer to them when they should arrive on the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

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

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

CHALLENGES IN THE SENATE

Mr. DORGAN. Mr. President, first of all, I am really pleased we finally have the highway bill on the floor. I appreciate the leadership of the chairman and the ranking member. This is an authorization that is, I think, 2½ years old or so. Many of us have been frustrated. I know the chairman and Senator JEFFORDS have been frustrated that we have not been able to finish this work. I hope we can finish this bill and move it through the Senate.

I wanted to comment about another couple of issues. I am worried about the way things develop here in the Senate. We treat serious things too lightly; we treat light things too seriously. We have, it seems to me, the framework for a huge brawl in the Senate over procedure, and there are so many challenges facing our country that this President and this Congress are not looking in the eye with the thought of responding directly to them. I will mention a few of them today.

Politics, regrettably, in recent times has become a sport in which one side trashes the other side, and it is either our way, or no way, or the highway. Now, we have a circumstance where we are facing serious challenges: we face fiscal policies that are off the rail, the largest budget deficits in history; we face the largest trade deficit in history, with massive numbers of American jobs being shipped overseas; we face energy problems that are causing severe pain and dislocation, and everybody

knows what the price of gasoline is these days; we struggle with health care costs that are skyrocketing; and all of these issues are hard for families to deal with. And yet, despite these issues, we are confronted by the prospect of a majority that doesn't like the current rules with respect to judgeships, so they will try to break the rules of the Senate, for the first time in history, in order to change the rules because we have approved only 205 out of 215 judges sent to us by the President—again, we have approved 97 percent of all of the judges sent to us by the President for lifetime appointments on the bench. But because there are 10 that have not been approved, the President and the majority party believe they want to break the rules of the Senate in order to change the rules of the Senate.

There are so many other important things we ought to deal with. It is just Byzantine that this issue is what we are fighting about. There is a constitutional role for the Congress—particularly the Senate—with respect to judgeships. The President proposes, and we advise and consent. There is nothing in the Constitution that says we cannot use the rules of the Senate for those few judges we believe are inappropriate, those few we think represent the extreme and should not be on the bench for a lifetime.

Yet, because, again, 3 percent of the judges have not been approved, while 97 percent have, we have the prospect of what is commonly called the ''nuclear'' option of trying to change the Senate rules by breaking the Senate rules.

I will tell you what I think we should be working on. First, health care costs. The fact is, when most families sit around their supper table and talk about their lives, they are talking about things that relate to their everyday existence: Do I have a good job? Does it pay well? Do I have job security? Do grandpa and grandma have access to good health care? Are we sending our kids to good schools? Do we live in a safe neighborhood?

These issues affect the daily lives of the American people. Health care is not an option. When you are sick, you need health care. We have 45 million people without health insurance. We have the cost of health care skyrocketing. It is rising at a much more rapid pace than inflation. The cost of prescription drugs is going out of sight. Yet, is this Congress tackling health care issues? No, we are not. Will we allow legislation on the floor of the Senate that would provide for the safe reimportation of prescription drugs to put downward pressure on prescription drugs? No. Will we allow the Federal Government to negotiate lower prices with the pharmaceutical companies like the VA? Will we allow that negotiation for the Medicare Program? No. In fact, this Congress explicitly says you may not do that. It is unbelievable. We have these huge health care challenges, but we will not look that issue in the eye.

Our budget deficits are the largest in the history of our country. We just passed an $80 billion emergency bill last week. We knew for 2 years that is what it would cost—$5 billion, $6 billion a month in Iraq and Afghanistan—and there was zero in the President's budget request for it. So they proposed spending it on an emergency basis. Nobody talks about raising money for it; just spend it. In fact, I have raised questions about how it is being spent—and I offered an amendment saying we are being stolen blind with respect to contractors in Iraq—to wit, Halliburton. Halliburton is charging us for 42,000 meals a day served to U.S. soldiers, when it turns out they are serving only 14,000 meals a day. In my hometown, they have a word for that sort of thing.

I asked for an investigation into this kind of waste, fraud, and abuse in contracting. It is massive. But you cannot get a committee to investigate that. The Congress doesn't want to have a select committee to investigate that. So it is just throwing the money out the door in hopes that some of it will stick. In fact, there is massive waste, fraud, and abuse and everybody knows it. But nobody wants to confront it.

Education. We have a serious problem with education in this country. There are 400,000 qualified high-school kids that will not go to college this year because of financial burdens, and another 220,000 kids won't go to college because they simply cannot afford it. You have well over a half-million qualified kids who will not be going to college who should be in college. We know college tuition has risen 28 percent, after inflation, in the last 4 years. We have not considered the reauthorization of the Higher Education Act. We extended it, but that should have been reauthorized several years ago. It is set to expire. The President's budget would eliminate the Perkins student loan program, Upward Bound, and a series of other programs that I think are very important. Pell grants have largely been stagnant in terms of their level, while tuition has gone way out of sight.

We don't look energy right in the eye, although I must say there is hope here. I met with Senators DOMENICI and BINGAMAN. I am a senior member on the Energy Committee, and I hope we can bring a bill to the floor of the Senate. That is a bipartisan bill.

Go to the gas pump these days, and then read in the paper after you paid for that gas, that Exxon reported the highest profit ever reported for one quarter by any corporation. Think of that. We have a revenue-sharing system by which the American taxpayer, the American consumer shares their money with the Saudis, the Kuwaitis, the Iraqis, the Venezuelans, and others who have the oil, and then the oil companies that are the conduit for that oil are making record profits as well.

If anything demands an investigation, it is that, in my judgment. We need an energy policy that does not hold this country hostage to oil, 60 percent of which comes from off our shores.

These are a few of the issues we ought to stare straight in the eye, and those of us who are not part of the political extreme—and there are too many these days who are perverting the political process in this country, I think a shameful perversion of the political process in many ways—but I hope those of us who are part of the strong political center in America will finally convince this administration and this Congress to take a hard look at the real challenges our country faces and then begin the long, challenging work to try to address them.

This is a great place. We are lucky to be here, lucky to be alive now. There is no place like it on Earth. It is our job as caretakers of this wonderful democracy to fix problems as we see them, to address problems, not to go off on these political searches to figure out who is the worst. The question is not who is the worst in the political system of ours, the question is whose ideas are the best that can move this country forward and give our country and our children the prospect for a better and brighter future.

I have much more to say, but because of time constraints today, I will leave it at that and say I hope as these weeks unfold we will begin to address the substance of the real challenges facing our country—Federal budget deficits, trade deficits, health care, education, energy, and other issues—all of which have a significant impact on the way we live in the country and all of which will have a significant impact on America's future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I want to make a couple comments in response to my good friend from North Dakota.

First, I encourage Members to come down to the Chamber. The current order of business is the motion to proceed to the highway bill. It is very important. It is critical. There is nothing we are dealing with right now that is more important. There is so much at stake, as I already outlined. We need to have more Members come down. Certainly, if I am talking, I will defer to them if they do come to the floor.

PARTNERSHIP FOR FISH AND WILDLIFE

Mr. INHOFE. Mr. President, I wish to share with you an experience from last Friday. We had a field hearing in Oklahoma on the Partnership for Fish and Wildlife. This is a program not many people know about. It is one that has

not ever been authorized, but it is one that has gone year to year with an appropriation, whereby a landowner who is trying to do something for the environment, trying to do something for conservation, trying to do something for habitat will put up $3 for every $1 the Fish and Wildlife Service puts up to join a partnership with them. They have come up with some incredible results, and it shows that those areas of Government where you work with Government and not have Government dictating mandates to individuals or to communities works so much better. This is a model for other programs. Consequently, I thought Earth Day was a good day for me, as chairman of the Environment and Public Works Committee, to introduce the bill, which I have introduced, to authorize this Partnership for Fish and Wildlife Program.

Also, there is a vacancy that has occurred with the Director of the U.S. Fish and Wildlife Service. We have a Southwest regional director by the name of H. Dale Hall. He came up for our hearing on Friday in Oklahoma. He is one of the incredible, dedicated Federal workers. It seems to me he would be an excellent Director for the U.S. Fish and Wildlife Service. I would like to nominate this man for that purpose.

He is a wildlife biologist. Mr. Hall meets the qualifications for the U.S. Fish and Wildlife Service Director as established by 16 United States Code 742B, being knowledgeable in the principles of fisheries and wildlife management by reason of education and experience. Mr. Hall received a bachelor of science degree in biology and chemistry from Cumberland College in Williamsburg, KY, and a master's degree in fisheries science from Louisiana State University.

He had military experience prior to joining the Service in 1978. Mr. Hall served 4 years in the U.S. Air Force beginning in 1968 with overseas assignments in Italy and the Philippines.

He has private sector experience. After returning to civilian life in 1972, Mr. Hall managed catfish farms in the Mississippi Delta region for Eden Fisheries and Farm, Inc.

He has experienced all kinds of awards. He joined the Service in 1978 and has worked in the Mississippi Valley, Houston field office, the Washington, DC, office, the Pacific regional office, the Southwest regional office, and now serves as regional director for the Southwest region. That is Oklahoma, Texas, Arizona, and New Mexico.

He was honored as one of the Service's 10 most outstanding merit pay employees for 1986. In February of 1996, he was presented with the Department of Interior's Meritorious Service Award by then-Secretary Bruce Babbitt.

I nominate this man for this position. I think he would make an excellent Director of the U.S. Fish and Wildlife Service.

I again reiterate that the order of business now is on a motion to proceed to the highway bill. Cloture has already been filed. We will be voting on cloture tomorrow morning. I cannot think of one thing we are doing now that is more important than getting a highway bill. We have been operating on extensions for a long period of time. When we do extensions, we do not get any of the benefits of streamlining, we do not get any of the safety benefits, we do not get any of the school-to-work programs, or any of the other programs. These are things that need to be done.

All an extension does is extend what is currently out there. Therefore, the States and communities do not know what to expect. They do not know how to anticipate how much money is going to be there or whether any of these programs to protect the environment are going to be there, or any streamlining programs.

I cannot tell you how important it is we not operate on extensions but instead that we do pass this highway bill. We should have done it last year. Last year, we had the bill that came up. The President of the United States felt it should be a smaller number. We felt if the bill is paid for—and at that time the Finance Committee, under the chairmanship of CHUCK GRASSLEY and the ranking member, MAX BAUCUS, came up with money that could be raised for that purpose so it would not add to the deficit. Consequently, we passed a bill out of the Senate that was $318 billion for a 6-year reauthorization. That would have been fine. It went to conference and got hung up in conference. One or two people stopped us from having this bill. Now all of America is suffering for it.

This is our second run at it. We are almost out of time. The current extension expires on May 31. If we do not have a bill by May 31, then we are going to have to operate on an extension. This is something that would certainly be to the detriment of all States.

Obviously, we are all prejudiced for our own States. My State is Oklahoma. Oklahoma has very severe problems with bridges. We need to correct those problems. Border States have problems with NAFTA traffic coming up, south to north, and back down. That adds a lot.

We are trying to do something with the Borders and Corridors Program. If we do not have a bill, we will not have that program. We have a lot of things that are very significant and need to be addressed.

I encourage my fellow Members to come to the floor and talk about the motion to proceed to the highway bill, talk about the highway conditions in their States, and help us to get this bill passed.

I will say this, the bill we had last year, even though it was $318 billion over a 6-year period, we enjoyed a 76-to-21 majority in this body. I know the distinguished Presiding Officer was not here at the time, but I had an opportunity to talk to all the Members who were not here to vote last time about how they would vote, and virtually all of them are supporting this highway bill.

It is essentially the same bill. We have been working on it, my friend from Vermont, the ranking Democrat of the committee I chair, we have been working on this now for 2½, almost 3 years. We can never make up what happened. We understand that. When you get into a complicated formula and consider all the things I outlined a few minutes ago, there are going to be some people who do not want to have a bill. There are procedural steps that can be taken to stop us from having a bill. All we want is to have a vote.

Speaking of a vote, I do not have a better friend than the Senator from North Dakota. We disagree on issues politically. He made some comments to which I would like to respond. First on judges.

I do not think my State of Oklahoma is that different from other States. I do not think it is different from North Carolina. I do not think it is different from North Dakota or most States. When I walk around and visit people in my State of Oklahoma—for 19 years I have gone back on a weekly basis, so I am there talking to normal people, because there are not that many here in Washington—I find out what concerns them. They are concerned about a lot of the issues with which we deal.

Certainly, they are concerned about the war in Iraq. They are concerned about the fact that we are finally winning the war against terrorism. We are doing a good job over there. I was there a few days ago and made a point, since I am on the Senate Armed Services Committee, to spend some time in the Sunni Triangle where they are supposed to dislike us the most. I have never seen anything like it. In Fallujah, there is a guy who was the brigade commander for Saddam Hussein who hated Americans before. Then he got the title of brigade commander for the Iraqi security forces, and he started working with our Marines over there. He started loving them so much, he said when they rotated out—and this includes embedded training where his troops were training with our Marines; our Marines were helping to train these individuals—when our Marines rotated and left, he said they actually cried. He has renamed the Fallujah Iraqi security forces. They are now called the Fallujah Marines, named after our marines. That is what is happening in the Sunni Triangle.

I went to Tikrit, the hometown of Saddam Hussein. During the training process in Tikrit, outside one of the stations they were training in was a car bomb that killed 10 Iraqis and severely injured 30 more. In Tikrit, the 40 families who either lost through death or severe injuries people who are being trained to fight for the Iraqi security forces substituted other members of their families. It is incredible because they have this great love.

We got in a Blackhawk helicopter and flew all over the Sunni Triangle at less than 100 feet. It is the safest way to fly. There are terrorists out there who can hit the helicopter.

As we went across, we saw little kids come up on villages waving American flags. There are many people, I am sure, right now who send care packages to our troops over there. What these troops are doing with the care packages is taking the candy and cookies and repackaging them. Then we go 100 feet over the Sunni Triangle, when the kids are waving, and they throw the candy out to the kids. There is a love that is indescribable. We never hear that from the media back here. The media is very biased. The networks are biased, and we do not hear the success stories. Good things are happening.

I was there a few weeks before that after the January 30 election. Everyone was saying the election was not going to go off. People risked their life to vote, and they told me they could not see the ballot because of the tears in their eyes. Another one told me it occurred to her when she voted that it was not only ending a 35-year bloody regime of Saddam Hussein, but it was the first time in 7,000 years she and the Iraqi people were having a right, an opportunity for self-determination. It is a huge thing happening over there.

We all know about the weapons of mass destruction and trying to discredit the President. We knew there were terrorist training camps. We have gotten rid of them. We are seeing a new democracy emerge and totally change the Middle East. It has been successful.

I only say that because there are a lot of important things going on, and one is, of course, dealing with the current deficit. We are going to have deficits. My good friend from North Dakota was critical of the deficit that is taking place right now. I think it has been pretty well established—in fact, even the Democrats have agreed—that this recession actually started in March of 2000, which was under the Clinton administration. When you go into recession, for every 1-percent decrease in economic activity, that translates to $46 billion in revenues.

We had the revenue going down at the same time we had 9/11. We are in a war and we cannot come out of a deficit while we are in a war. We had a reduction in the military. I do not criticize the Clinton administration for what happened to the military after the first gulf war, but when the military is downsized, some of our modernization programs are stopped and it is expensive.

Right now I do not know how many American people realize that we are actually sending our kids out to battle with equipment that is not as good as our potential adversaries. Our best artillery piece, for example, is the Paladin. The Paladin is World War II technology. After each shot, you have to get out and swab the breach, like you used to have to do during World War II. Yet there are five countries right now, including South Africa, that are making a better non-line-of-sight cannon than our Paladin. Our kids do not have as good equipment, and that is because our modernization program came to somewhat of a screeching halt.

I was very proud of GEN John Jumper back in I think it was 1998 when out of his frustration he was trying to say we have to do something about our modernization programs; that our best strike vehicle is currently the F–15 and the F–16 and the Russians are making the SU–30s and 31s, as they were at the time, and selling them to potential adversaries, and they are better than our F–15s and F–16s. When we have our F–22s online, and our Joint Strike Fighter, we will change that, but we have to progressively do this, and it is expensive. That is why we will continue to have deficits for a while until we get this thing done.

In all fairness, we have to realize that, No. 1, the administration inherited a deficit; No. 2, we are at war; and, No. 3, we are rebuilding a military operation.

Getting back to the judges, as I said, I do not think Oklahoma is a lot different from other States. When I go down the street and I talk to people, they are much more concerned about what is happening with the judicial decisions and liberal judges trying to make law from the benches. They are concerned about school prayer, gay marriage, and the Pledge of Allegiance with ''one Nation under God'' coming out. These things bother people back in Oklahoma. Maybe they do not bother people in other States but they do in Oklahoma. All we want are circuit judges to be nominated and then given a simple majority vote on the floor, so that we can determine whether that nomination by the President can be confirmed.

I do appreciate what the Senator from North Dakota was saying. However, I have to say to my knowledge never in the history—sometimes people say, well, how about Judge Bork back several years ago? That was a different situation altogether. Never in history has there been a filibuster of circuit judge nominees. It should not be 60 people to confirm a judge; it should be 51 people. All we want is a vote. We do not care how it comes out. That is going to be the will of the Senate, but the Constitution specifically says ''Advice and Consent of the Senate.'' That is a majority, and that is all we really want.

I know there are liberals who have a liberal agenda who do not want to have conservatives or constructionists confirmed on the various circuit courts and Federal benches, and ultimately the U.S. Supreme Court. But I can assure my colleagues that the vast majority of people in Oklahoma do.

Lastly, I do agree with the Senator from North Dakota when he talked about the need for an energy policy. I became aware of this and concerned with this way back in the early 1980s when Ronald Reagan was President of the United States. I believed that he should have had an energy policy for America. Quite frankly, even though he was my favorite guy in contemporary history, he did not do it. There were so many other things facing his two terms that he was not able to come up with an energy policy.

I can remember when Secretary Hodel and I would go around the country, we would make speeches about how our dependence on foreign countries for our ability to fight a war for our energy supply was not an energy issue, it was a national security issue. We tried to convince people of that, and we were not successful.

Then, of course, along came other administrations and they did not do it, either. I thought certainly the first Bush administration, since he had an oil background, would be more concerned about it. But this President does. He says we should have a comprehensive energy policy for America, and one of the cornerstones should be a limit as to how much we should be dependent upon foreign countries for our energy supply—or I will put it a different way, for our ability to fight a war.

So here we have a situation where back when I started making speeches about our dependency on foreign countries for our oil was when we were dependent for about 34 percent. Now it is up to 65 percent. We are dependent upon foreign countries for our ability to fight a war twice as much as we were back in the 1980s. So it is going in the wrong direction.

What we need is an energy bill. I was very glad to see the vote on ANWR. It is kind of interesting, the Arctic National Wildlife, that tiny little part of the wildlife reservation that people are concerned about, all of the Natives in Alaska want it, all the Alaskans want it, the House wants it up in Alaska, the Senate wants it, everybody else wants it, but we refused to give it to them to allow them to explore and produce on ANWR. Now they can do that.

A comprehensive energy bill should have an oil and a gas component to it. It should have fossil fuels, coal, nuclear energy, and renewable energy. If we can have that, we can have an energy bill. I think we are going to have one. I am particularly concerned about it because I chair the Environment and Public Works Committee and about one-third of the Energy bill is in the jurisdiction of my committee. We are going to do what we can to work with the distinguished Senator from New Mexico, Mr. DOMENICI, to try to make that happen.

I encourage Members to come to the floor, and in the event they do I would certainly relinquish the floor to anyone who wants to talk about the highway bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. What is the pending business?

The PRESIDING OFFICER. The motion to proceed to the highway bill.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for a period not to exceed 15 minutes.

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

DEPENDENCY ON FOREIGN OIL

Mr. KERRY. Mr. President, this morning, Americans braced themselves for another week of devastating news about the gas pump. This morning, Americans learned again of the record increases in the price of oil in America. When they turn on the news tonight, they are not going to learn of anything that has been done by this Congress or the administration in the past months or even past years. They are not going to see Washington taking the necessary steps to end our dependency on foreign oil. Instead, people will see President Bush meeting with Saudi Crown Prince Abdullah, a stark reminder of our dangerous dependence on foreign oil and how much that dependence threatens our economy as well as our national security.

The President offers strong words against nations that sponsor terror, but for those in control of 65 percent of the world's oil supply, those words are compromised from the get-go. That is wrong, but it is fundamentally what happens when the administration is committed to an energy future that is dependent on oil, oil, and more oil, at all costs, even if that cost is our national security.

The fact is, we are more dependent on foreign oil today than ever before. Despite the sharp rhetoric of the 1970s and the initial effort to try to be less dependent on oil, it has consistently increased. This dependence slows our economy, harms our environment, dilutes our national security, and it burdens Americans with the high gas prices they face today. Sadly, the President's energy bill, which we are going to soon debate in the Senate, fundamentally ignores these problems, and it does nothing to lower gas prices.

In the last days, the administration has conceded ''changes to production, consumption, imports and prices are negligible under the plan submitted to the Congress.'' Frankly, Washington has danced around this statement for a year now. But last week, President Bush himself acknowledged the truth. He said:

> [The] energy bill wouldn't change the price at the pump today. I know that and you know that.

So if we all know that, why pass this Energy bill along in its current form when real solutions are staring us in the face? Americans are paying an average of $2.28 a gallon at the pump. That is up 6 cents in the last week, over 50 percent in the last year, and up a staggering 56 percent since 2001. The President's so-called energy plan does nothing to reduce our dependency on foreign oil. The President's own economists found oil imports will actually increase 85 percent by 2025 under a proposal such as the one we see in the Congress. Less than 5 percent of the incentives in this bill are devoted to developing alternative sources of energy. That is 5 percent for the future, 95 percent for the status quo.

In 2002, when the Senate passed an energy bill with a bipartisan vote of 88 to 11, the bill provided for a balanced tax package: 50 percent of the benefits to oil and gas and 50 percent to renewables. By abandoning that balanced, forward-looking approach, this bill sells out our Nation's dream of an energy independent future.

Why are we taking the time in the Senate and the House to discuss an energy bill that does not take the steps available to begin to free us from our dependency? The failure to aggressively address the dependency will condemn a generation of Americans to higher gas prices, and the problem will only get worse. The era when the United States, Japan, and Europe comprised the bulk of the world's demand for oil is long over. Oil consumption from developing Asian nations is going to more than double in the next 25 years, from 15 million to 32 million barrels a day. Chinese consumption will grow from 5 million to nearly 13 million per day. India's consumption will rise from 2 to more than 5 million barrels per day.

The escalating demand for foreign oil is simply unsustainable. Every American who has taken an economics class, who owns a small business, or who balances the family checkbook understands that when demand for the product goes up and supply of that product is limited, prices are going to go through the roof. If you do not own your own product, that is great, but if you do, you are in trouble. Obviously, we do not. The fact is that the United States only has 3 percent of the world's oil reserves. So no matter what happens, we are going to remain dependent if fossil fuel and oil are going to remain the staple of our transportation, heating, and other product sources in the United States.

In reality, international demand for oil is going up, and prices are going up as that demand goes up. There is little we can do to stop it unless we change the fundamentals on which we are currently producing and providing for the various oil needs of our Nation. We cannot drill our way out of this problem under any scenario whatever. Whether we drill in Alaska or even the oil in the deep water of the gulf, we cannot drill our way out of it.

America needs to move forward in the technology race. We need to invent our way out of it. The spectacle of an American President literally reduced to asking—some would describe it as begging—another country to open the spigots and try to provide some momentary relief is really its own statement about where we find ourselves today. The fact is, what we ought to be doing is accelerating research and development in our country.

Today's meeting with the Saudis really underscores what is wrong with the energy policy of our country. The danger of maintaining our dependence on foreign oil is so obvious that Americans cannot help but question the actions of this administration. The actions do not meet their words. The President has said the right things. Last week, he said:

> With oil at more than $50 a barrel . . . energy companies do not need taxpayer funded incentives.

So he said the right thing. But the facts tell a different story. The Energy bill provides 95 percent of the tax benefits to oil and gas companies, with over $8 billion directly going to the oil and gas companies of the country. Only 5 percent—less than even in the bill we passed 2 years ago in the Senate, or 3 years ago—is going to go to those things that would actually provide Americans with relief. At a time when oil and gas prices are at historic highs, our energy policy ought to be aimed at investing in new and renewable sources of energy, not lining the pockets of the special interests.

On energy, the administration has not been leveling with the American people. I think the President and Congress continue to miss an extraordinary opportunity. Most public policy forces us to make difficult tradeoffs: foreign versus domestic, urban versus rural, consumer versus business. But energy policy does not require us to do that. Other than the big oil companies, everyone benefits from reducing our dependence on foreign oil. Energy policy provides us with a unique opportunity to address a huge group of challenges all at the same time.

If we lead the world in investing in new energy technologies, we create thousands of high-paying jobs right here in America. If we learn to tap clean energy sources, we preserve a clean environment for our families and future generations. We reduce mercury and acid rain. If we remove the burden of high gas prices, American consumers will have more cash in their pockets to spend on consumption products or on savings or on college or other things. That will all give our economy the boost it needs. Most importantly, if we end our dependence on foreign oil, we strengthen our national security.

The Energy bill before the Congress accomplishes none of these goals. In fact, it weakens all of them. Let me focus on one of those things that it weakens, our national security. Increased American energy dependence further entangles our Nation in unstable regions of the world and forces us

even to compromise our values. In exchange for oil, we transfer wealth to people who have done us harm and would do us harm in the future.

This is, obviously, as bad for our troops and for those serving abroad as it is for people who experience the high gas prices here. We risk being drawn into dangerous conflicts because of our dependency in a particular region. We also see an already overburdened military that has to bear the consequence of that.

In recent years, U.S. forces have had to help protect the Cano Limon pipeline in Colombia. Our military had to train indigenous forces to protect the pipeline in Georgia. We plan to spend $100 million on a special network of police officers and special forces units to guard oil facilities around the Caspian Sea and to continue to search for bases in Africa so we can protect all of the facilities there. Our Navy patrolled tanker routes in the Indian Ocean, South China Sea, and the Western Pacific.

The reality is, we have to protect oil because that is what protects our way of life today. This is a serious issue, with real consequences, because of the unstable nature of conflict-ridden, oil-producing areas which challenge our security.

In the spring of 2004, insurgents attacked an Iraqi oil platform. There was violence against oil workers in Nigeria. The result was to press global oil output and record-high gasoline prices. We were helpless to stop it. I do not think any American wants to be helpless where national security is concerned.

Our dependence on foreign oil creates just the sort of alliances that George Washington warned against in 1796. These alliances with foreign suppliers leave us more vulnerable, and they can crumble the foundations of our economic and national security.

The most dangerous aspect of this is that we are not alone in this dependency. I mentioned it earlier: International demand for oil is rising at an alarming rate. Another word for ''demand'' is ''competition.'' Another word for ''competition'' is ''race.'' At this rate, the great powers of the world may resume the race to secure the remaining energy reserves. That is an alarming scenario, but it is exactly the course we find ourselves on. With strong leadership, we can avoid it. But we cannot do it without a balanced energy plan that ends our dependence on foreign oil.

If anyone needs an example of how energy dependence can shortchange national security, look no further than the war on terror itself. If we assume oil miraculously drops back to $30 a barrel—no one assumes that, but if you did—over the next 25 years, the United States will send over 3 trillion American dollars out of the country, much of it to regimes that do not share our values, and even, in many cases, our goals.

It is bad enough to think that those $3 trillion are not going to go directly into the American economy, that they are going to go to other countries. It is worse to consider the impact on our volatile relationship with regimes such as the House of Saud, fragile as it finds itself increasingly today.

Our dependence on Saudi oil is a bad bargain for the war on terror. In the past, Hamas received almost half of its funding from Saudi Arabia. We know al-Qaida has relied on prominent Saudi Arabians for financing, and Saudi Arabia sponsors clerics who still, after all the rhetoric, promote the ideology of terror.

We all know what is going to happen today. The President is going to ask Prince Abdullah to raise production. But we have to be honest with the American people and acknowledge it is a short-term fix at best, and it is one that carries its risks.

In the year 2000, Governor Bush said he would ''jawbone OPEC'' to ''open the spigots.'' But 5 years later, either he has not jawboned enough or it is not important. It is time the administration learned the only long-term solution to America's energy crisis and to our security itself is to end our dependence on foreign oil.

National security is the most inexcusable casualty of our energy policy. But again, it is not the only one. Federal Reserve Chairman Alan Greenspan has said:

> Markets for oil and natural gas have been subject to a degree of strain over the past year not experienced for a generation.

I might say, respectfully, it may not have been experienced for a generation, but it was entirely predictable that this would come around again, particularly when you look at the development rates of China, India, and other Asian and South Asian countries.

As the chairman of the President's Council of Economic Advisers said:

> High energy prices are now a drag on our economy.

That is the Republican administration speaking for itself.

This administration's energy policy works for Saudi Arabia, it works for the countries that get those trillions of dollars, it works for big oil and gas companies—all of which have record profits. I think one of the top companies had a 213-percent increase in profits, others 146 percent, others in the double digits. Show me the American family whose income went up commensurately. Show me most American businesses that are struggling with health care costs and now have increased costs of transportation. The American trucking industry has billions of dollars, perhaps $20 billion paid out because of the rise in the cost of fuel.

So everyone is losing: consumers, small businesses, the environment, our troops, our security—everyone but the oil and gas companies.

We need an energy policy that works for America and works for the 21st century. We have successfully moved from different sources of fuel in our history. We went from wood to coal. We went from coal to oil.

We went from oil to a mix of oil and gas and coal and nuclear and hydroelectric, and now we are talking about wind power and other sources. We have the capacity to have various kinds of additives and even biodiesel and other forms, but we are not moving rapidly to secure the marketplace for those alternatives.

It is time now for America to make its next transition in fuel, to move to a mix of solar and wind and biomass and fuel cells and clean coal and other wonders of American ingenuity. We have huge reserves of coal. But despite all the rhetoric, the administration hasn't even adequately funded the clean coal technology program. We need to tap America's strength. The new president of MIT wrote a couple of articles the other day pointing out how America is slipping backwards in technology. All you have to do is pick up any of the analyses on competitiveness in technology in America today. America is producing fewer engineers, fewer scientists. Fewer kids in college are going into science and the physical sciences. Less money is being put into the R&D to move us into that competitive edge.

That competitive edge is what built the economy of the 1990s. It is what helped us to be able to create the high value-added jobs so we moved to an unemployment rate that was the lowest in the modern history of our Nation, and we paid down debt. We invested in the long-term future of our country. We have seen a complete reversal of that in the last 4½ years.

I hope this Congress will do what it ought to do, not start pitting people against each other according to definitions of faith, but come here with faith in America and American ingenuity and understand that we need to tap America's strength. We need to tap our markets, our capacity for invention, innovation, and our values. That is the way we will control our own destiny. We need to embrace and foster a revolution toward an energy world that benefits our environment, our economy and, most importantly, our security.

The President's energy plan will bring us more of the same—the status quo, a more dangerous future of energy dependence and high prices. It is time we came together with a real energy policy that works for the American people and puts Americans back in charge of their future and liberates our children from the stranglehold of fossil fuel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the regular order is the cloture motion on the motion to proceed to the highway bill. This is one we are very much concerned about. I have said several times I am hoping Members will come to the floor and speak on the highway bill. I know the distinguished Senator from

Illinois wants to be heard right now. Let me only make one comment.

Earlier on I talked a little bit about the Energy bill. The distinguished junior Senator from Massachusetts started off with a quote by the President that was not quite complete. What the President said was the Energy bill would have no immediate impact on gas prices but long-term gas prices will be affected by an energy bill. I made that very clear a few minutes ago when I talked about the fact we have been trying to get an energy bill since the 1980s.

I don't say this in a partisan way because we tried to get an energy bill during the Reagan administration and the Carter administration before that, the first Bush administration, and the Clinton administration. We were unable to do it. It was not until this President came along and offered an energy bill or an energy policy for America. It is long in waiting. Obviously, supply and demand tells us that portion of energy that is generated by oil and gas is going to be cheaper if we are able to do it locally and do it in this country without depending upon foreign sources of oil.

We know what happened in OPEC days back in the 1970s. We know we can be held hostage again. It is a very serious problem. But an energy bill should include all forms of energy. I agree with the Senator from Massachusetts, we should be concentrating also on technology, on renewables. Certainly I disagree with the Senator from Massachusetts when he says he wants clean coal technology and he wants to be able to utilize coal. It was the Democrats in the committee I chair who killed the Clear Skies—didn't kill it, but delayed it—Initiative of the President which would have the most dramatic reduction on pollutants, on NO_x, SO_x, and mercury pollution than any President has ever advocated in the history of America, a 70-percent reduction. To do this we had to continue to have clean coal technology. That is part of the bill, as are oil and gas and nuclear and renewables.

We made an effort to do that and were unable to do it on a partisan line. If the Senator from Massachusetts is interested in having a bipartisan approach to the use of clean coal technology and to expand the use of coal, we need to look at all of the above, all of the forms of energy. I will join him in that program.

The Senator from Illinois wants to be recognized as in morning business. Since I do want to get back to the highway bill, I ask unanimous consent that the Senator from Illinois be recognized for 30 minutes as in morning business and then immediately following his 30 minutes, I be recognized for 30 minutes as in morning business, and then we would go back to the regular order. I encourage Members who are interested in the motion to proceed to the highway bill to come to the floor, to be heard, and so we can recognize them for that purpose.

I yield the floor.

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

The Senator from Illinois.

Mr. DURBIN. If I overheard the request, the Senator from Oklahoma suggested 30 minutes in morning business.

Mr. INHOFE. Yes, for the Senator from Illinois, unless he desires more.

Mr. DURBIN. That should be adequate. I thank the Senator.

JUDICIAL NOMINEES

Mr. President, I come to the floor with some feelings of disappointment. I had hoped that on reflection, Majority Leader FRIST would change his mind about taking part in a rally yesterday in Kentucky with groups that claim anyone who opposes President Bush's judicial nominees is opposed to ''people of faith.'' The organizers of that rally, the Family Research Council, called their rally ''Justice Sunday.'' I agree with Bob Edgar, general secretary of the National Council of Churches. A better name would have been ''Just Us Sunday.''

This Republican religious group is trying to redefine faith to fit its own narrow definition. What is their test? Does their definition of faith turn to the Bible? You know the biblical test, how do you treat the least of your brethren. No, the litmus test of faith for this group is as follows: Do you agree that a President—namely President Bush—ought to be able to ignore the Constitution, the rules of the Senate, and 200 years of Senate tradition to appoint people to the Federal bench for lifetime appointments even if those nominees hold extreme political views outside the mainstream of America?

That is their test of faith. If you say yes, then you are a person of faith. If you say no, they would brand you as anti-God and antifamily.

The depth we have reached in this political debate that the majority leader of the Senate would add his name and his words to a rally which is so divisive, which tries to make a constitutional issue a religious issue. I had hoped Senator FRIST would decide not to take part in it. I hoped he would have used his leadership position to discourage those who are using this religious McCarthyism that seems to be gripping our political system now that the Republicans are in control of the House and the Senate. Unfortunately, he did not.

He sent a taped message which contained within it, I will concede, some conciliatory words warning those involved not to go too far, as Senator LINDSEY GRAHAM did yesterday on a television show which I shared. But unfortunately, I am sure those who were involved with the Family Research Council were heartened by the appearance of Senator FRIST.

Now we are learning that placing your own candidates in lifetime Federal judgeships is not enough for this group.

They are also plotting to rid the bench of Federal judges they don't like. The Los Angeles Times ran a story last Friday about a private conference of evangelical leaders in Washington, attended by Senator FRIST and House Majority Leader TOM DELAY, whose name appears constantly in this national debate. They had an audiotape of the conference. The story quotes two of the organizers of yesterday's rally in Kentucky, talking about working with congressional Republicans on plans to get rid of the Federal courts they don't like. This is a quote from Tony Perkins, one of the lead spokesmen yesterday for the Family Research Council. He said this at this Washington, DC, conference with TOM DELAY and BILL FRIST:

> There's more than one way to skin a cat, and there's more than one way to take a black robe off the bench.

According to the Times article:

> Mr. Perkins said he had attended a meeting with congressional leaders a week earlier where the strategy of stripping funding from certain courts was ''prominently'' discussed. ''What they're thinking of is not only the fact of just making these courts go away and recreating them the next day, but also defunding them,'' Mr. Perkins said.

The story reports Mr. Dobson, a reverend also involved with this effort, as saying:

> Very few people know this, that the Congress can simply disenfranchise a court. They don't have to fire anybody or impeach them or go through that battle. All they have to say is the Ninth Circuit doesn't exist anymore, and it is gone.

Mr. Perkins said these plans to remake America's courts are ''on the radar screen, especially of conservatives here in Congress.''

We have valued, since the creation of this great Nation, our independent and balanced judiciary. I am certain that members of the judiciary are angered at times with positions taken and things said by those in the executive and legislative branches. It works both ways. Yet we understand the nature of our checks and balances, the nature of three separate branches of government is unique to America and has given us the strength to survive in this democracy for over 200 years.

The strategy of TOM DELAY, Senator FRIST, and groups like the Family Research Council challenge this premise of our constitutional democracy. I would like to address the questions raised about what might happen if the Republicans go forward with the so-called nuclear option. First, let me tell you that the phrase ''nuclear option'' was not conceived by a group of Democrats in a back room. As I understand it, Senator TRENT LOTT, a leading Republican, called this approach a nuclear option, understanding, as he did, that it is an assault on some of the most fundamental principles of the Constitution and the Senate. It was, in fact, nuclear war and the use of a nuclear weapon from a procedural point of view. It assaulted one of the most basic principles of America, the principle of checks and balances.

Look at the political landscape in America today. Republicans control

the White House, the House, the Senate, and the Supreme Court. Not in 60 years has so much power been vested in one party. But from the point of view of many of their special interest groups, it is not enough; they want more. They don't just want to govern in America; they want to rule. That means they need and want powers beyond those given to a political party under our Constitution.

Think about why we have a Senate. It was part of the Great Compromise. Thirteen colonies came together, deciding whether they could work together as one government, and the smaller colonies said we don't have a chance. If you count numbers, the more populous colonies will always win the debate. So the Great Compromise said the House of Representatives will have more people, with more representatives in the more populous States, so they will have more votes. But the Senate is different. Every State gets two Senators. The rules of the Senate were written so, even within the Senate, when one Senator objected to a major change in law, the Senate rules respected that minority Senator. In fact, it wasn't until right after World War I that there was a way to even stop what was known as a filibuster. If you saw ''Mr. Smith Goes to Washington,'' you saw Jimmy Stewart, that new idealistic Senator, take to the floor arguing for something he believed in until he ran out of breath and collapsed. Well, that is the filibuster. The way you can stop it is with a certain number of votes. Beginning in the 20th century, that number of votes is 60. It recognizes that this unique Chamber in America's Government will always recognize the rights of the minority.

We have built on that principle, and that is why the filibuster was created. Sadly, the Republican majority today wants to break the rules of the Senate and change the filibuster rule. They want to end the checks and balances that have been part of this institution since the Constitution was written. For what? So President Bush can have every judicial nominee he proposes to Congress, without debate, without dissention, and it would not be subject to a filibuster.

I think the filibuster is one of the most basic tenets of our checks-and-balances system. It prevents a tyranny of the majority and encourages compromise and moderation. Think about it; if it takes 60 votes, you need to compromise. If it takes 60 votes, neither side has that, so you need bipartisanship. It works every single day on legislation and on nominees.

What about the President's track record when it comes to judges? Consider this: Since President Bush came to office, he sent 215 names of judicial nominees to the floor of the Senate; 205 have been approved. Only 10 have not been approved. More than 95 percent of the President's nominees have been approved by the Senate but, sadly, the point of view of the White House is that it is not enough. They want them all. They are willing to assault the Constitution and change the Senate rules. With an approval rate of 95 percent, this is not a crisis; it is a manufactured political crisis.

Republicans claim it is unconstitutional to filibuster. They are wrong. The Constitution makes it clear that the rules of the Senate are the decision of the Senate. Here is what article I, section 5 of the Constitution specifically states:

> Each House may determine the rules of its proceedings. . . .

That means the House and the Senate may determine the rules of its proceedings. From the beginning, the Senate has allowed filibusters. In 1789, the first Senate filibustered a bill about moving the capitol from New York City to Washington. But these Republicans, under President Bush and Vice President CHENEY, want to change that time-honored rule. They claim the use of the filibuster to block judicial nominees has never happened, that it is unprecedented. That is what you hear from them. They are wrong.

Before George W. Bush became President, 11 judicial nominations needed 60 or more votes—cloture—to end a filibuster.

On two other judicial nominations—one in 1986 and one in 1994—cloture was filed in order to end filibusters, but it was later withdrawn. Of those 11 nominations on which cloture was needed to end a filibuster, 4 occurred during the Clinton administration.

Let me just point to one. March 8, 2000, the nomination of Richard Paez to be a judge of the Ninth Circuit. Fourteen Republican Senators voted on the Senate floor to filibuster Judge Paez's nomination. Look at the list of the 14 Senators, and do you know what name you will find? Senator BILL FRIST. He is now the majority leader, and he claims this never happened in the history of the Senate. He, in fact, voted on the floor of the Senate for a filibuster against Richard Paez, a Clinton nominee to the Ninth Circuit. For the record, it was vote No. 37, 106th Congress, second session, March 8, 2000.

In addition to the 4 Clinton judicial nominees who were filibustered, 60 additional Clinton nominees never received a hearing. It was a pocket filibuster. What is unprecedented is what Republicans are threatening now, to fundamentally change the rules and traditions of the Senate and the constitutional principle of checks and balances. To argue that no judicial nominee will ever need more than 51 votes—7 times since 1949, the Senate has faced this question: Can a simple majority change the cloture rule? Every single time, the answer has been no, whether it was Democrats in the majority or Republicans in the majority.

In 1953, Minority Leader Lyndon Johnson, the ''master of the Senate,'' as he was dubbed, a man who knew something about finding and using power wherever he could legitimately find it, worked with Majority Leader Taft to protect the Senate from the nuclear option of his day, when a single Democratic Senator threatened to use it.

Time and again, there have been threats to change this filibuster, and it has never happened. There has been ample opportunity to do that.

One Senator who was involved in that was Senator Fritz Mondale of Minnesota. He led a 1975 effort to change the cloture rule. Twenty-seven years later, in September 2002, an older and wiser Fritz Mondale came back to the Senate to talk about his years as part of the Leader's Lecture Series.

He admitted he made a mistake to try to push through a nuclear option. I want to read part of what he said. This is what Fritz Mondale said on reflection:

> When I came to the Senate, I thought a simple majority should be enough to end debate. I had seen the cloture rule abused in the past, especially on civil rights. The old rules permitted virtually endless talk. In recent years, many Senators had developed a postcloture strategy where, even after a successful cloture vote, they could still carry on forever, reading and amending the Journal, reading and amending the Chaplain's prayer—as we did for several days—filing hundreds of amendments with no end in sight.

Listen to what Fritz Mondale said:

> It had to be changed, and it was, to what is now called the Byrd rule. But to end a filibuster still requires 60 votes, and I believe that is about right.
>
> It is a balancing act. You need to be able to close off debate, but you also need to give an individual Senator the power to stop everything in the country and to rip open an issue in a way that no other institution in America can. It can't happen in the House. Their rules of debate are very different. It can't happen in news conferences. It can't happen on talk shows. That is entertainment, not debate. Only the Senate can stop the Nation in its tracks, and it is the only body in the world that allows it.

To claim, as nuclear option supporters do, that the 1975 effort proves the constitutionality of their plan is simply wrong. It is a misrepresentation of the facts. They argue we are simply talking about judicial nominees. Yet we know from a Congressional Research Service analysis of this issue that if they went forward with the nuclear option on judicial nominees, nominees who are being appointed to the bench for a lifetime, more could follow from that.

I still hope we can avoid this constitutional confrontation, this crisis. I hope the destruction that will be brought to the Senate can be avoided. I hope we can have a positive view toward the Senate's future. But let me say this: If the Republican majority in the Senate exercises the nuclear option, breaks the rules of the Senate for the first time to change the rules, to eliminate the filibuster on judicial nominees, to attack the principle of checks and balances, the constitutional principle of our Government, then I think the response from the Democratic side can easily be described as

this: If the Republicans are going to break the rules, the Democrats are going to play by the rules. Let me tell you what I mean.

We believe we must defend the Senate and the Constitution. We will not allow one party to eliminate an essential part of checks and balances. The Senate operates according to customs. The minority party defers to the majority party regarding what bills come to the floor, and other questions. It is a system that requires trust and cooperation every day.

If Republicans choose to use the nuclear option, they are choosing to assault that trust and cooperation. We can no longer routinely give our unanimous consent to whatever procedural request the majority leader makes. Instead, we will use the existing rules and precedents to have the Senate focus on the real crises facing America's families and businesses. Instead of granting deference to the Republican majority to set the agenda on the Senate floor, Democrats will use the existing rules and the precedents of the Senate to focus on issues such as health care, energy, education, minimum wage, making certain we take care of our veterans and soldiers.

We have already placed a number of important bills on the Senate calendar, any of which can be brought up at once if the Republicans trigger the nuclear option. These bills address real priorities and challenges we face: funding our schools, bringing down the price of gasoline at the pump, finding a way to provide health insurance and health care for Americans, veterans benefits, and imposing fiscal discipline with Government spending.

Let me make it clear. We are not going to set out to close down the Senate or to close down the Government. Senator REID, our Democratic leader, and all the Members of the Senate feel as I do, that shutting down the Government was the hapless tactic of the Gingrich revolution. It was a terrible idea. Rush Limbaugh was the only American applauding it every day, but the American people knew better. They want our Government to continue. They want Government services that are essential not to be in danger. So we are prepared to use the Senate rules to make certain that the defense of our Nation and the defense of our Armed Forces will be paramount, that passing key appropriations bills will occur, the Government will go about its business.

But when it comes to the rest of the debate in the Senate, when it comes to the agenda of legislative issues, we believe we can and will use the rules, if the nuclear option is exercised, to make certain that this debate is broadened—broadened beyond the special interest debates of K Street, the lobbyists who sit around the corridors out here begging for their bills to be called. We will expand this to include a debate over issues American families are begging us to consider, such as the cost of health insurance, help in putting children through college, finding a way for us to deal with the energy crisis in a responsible way that will conserve energy and bring about more fuel efficiency, in addition to environmentally responsible exploration for new energy sources.

Let's talk about gasoline for a minute. Americans are paying nearly 50 cents a gallon more for gas today than they were a year ago. Gas prices have surged an average of 19 cents per gallon in the last 3 weeks. What is the Republican solution? Many times it is more of the same. Keep increasing America's dependence on increasingly expensive oil from increasingly volatile parts of the world.

If Republicans are insisting on changing the rules of the Senate, Democrats will use the opportunity to press for an end to price gouging at the pumps today. We will also push for real long-term solutions, including conservation and new sources of alternative energy that will make America more secure in the future.

Think of it, 45 million Americans in our country, 1 in 7 have no health insurance. Tens of thousands more are underinsured. Rising health costs are eating up every penny of the profits at many companies. Did you read the report in the paper in the business section last week? General Motors lost $1 billion in the last quarter. When they were asked why they were losing money if they were still selling cars, they said: With every car we sell is $1,500 in health insurance costs and $500 in pension costs. So before we can compete with the foreign manufacturers, we have to pay for the health insurance and the pension costs.

What we are saying is this ought to be part of a national debate. There has not been a single suggestion on the floor of the Senate from the Republican leadership that they are ready to even discuss health care, nor from the White House.

If we move beyond the nuclear option, we on the Democratic side feel this debate has to take place, and we will move proactively to put this on the calendar for debate during this session of the Senate.

In recent months, we found the new prescription drug benefit under Medicare will cost hundreds of billions of dollars more than first estimated. Now this week a new report warns the drug benefit will not provide adequate coverage for seniors with cancer and other chronic illnesses, and leave them with huge personal prescription drug bills. If the Republicans in the Senate use the nuclear option to try to change the rules of the Senate, Democrats will use whatever rules we can, whatever leverage we can find to fix the Medicare prescription drug bill.

Millions of young people across America are going to graduate from high school next month. Many are off applying to colleges, fingers crossed they will get into that great school. But there is a fear in every family—at least in most families—that some of the sons and daughters who are accepted at the best schools will not be able to go because the families cannot afford it. If the Republicans insist on using the nuclear option, the Democrats will push to bring to the floor Senate measures to make college more affordable for families across America.

We will look for ways to bring to the floor a bill to fund properly VA health facilities and end the deficits that are forcing Americans all across America to wait months to see a doctor.

We do not have to manufacture crises. There are real, urgent problems with which this Senate ought to be dealing. If the Republicans are interested in governing, they will join the Democrats in addressing these issues. If they are more concerned about political gains, they will object. Democrats will not break the rules and we will not stand by idly if others try to destroy the rules of the Senate for temporary political advantage. We will use the rules, we will live by the rules, we will follow the rules at every opportunity to protect the Constitution and do the people's business.

Senators can expect if the nuclear option is called and passes we will spend more time at our desks, more time in session, more time on the floor, more time in Washington. The old complaint about 1,000-page bills coming to the Senate never having been read, they will be read. The complaint that amendments come to the floor Senators have not had a chance to read, they will be read. The complaint about speaking to an empty Chamber with few Senators around, that may change. There will be Senators on the floor, part of a debate over amendments that are important to this country.

I sincerely hope the Republican majority will think twice. Senator MCCAIN said, and I think rightly, you never know what the next election might bring. You might find yourself in a minority status, and it is important for us to understand that as Senators have come and gone, almost 1,900 now in the history of the United States, as issues have come and gone, as Congresses have come and gone, the traditions and rules of the Senate have endured. The Constitution which guides this Chamber, which brings us to the floor today and every day, the Constitution we have all sworn to uphold and defend is worth fighting for.

When a White House with any President of either party tries to extend their power at the expense of the Constitution, historically the Senate has said no.

This time, unfortunately, this President is demanding more power than any President in the history of the United States when it comes to judicial nominees. This President is demanding powers that have never been exercised under this Constitution. Sadly, his party, the proud Republican Party, is not willing to say no. They should. In the past, Franklin Roosevelt's Democratic Party said no to him when he

overextended. Thomas Jefferson's party said no to him when he tried to extend his Presidential power. They understood that the Constitution is more important than the power of any President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, right now, the regular order is the motion to proceed to the highway bill. It is one of the most significant bills we will be addressing this year. It is one that we are very hopeful will pass. Last year, the highway bill passed with a vote of 76 to 21. Having received that very strong majority, we believe that this bill is so much like it that we should be able to do the same thing.

I understand that tomorrow morning at 11:45 there will be a vote. Again, as I have said since 2 this afternoon, I encourage Members to come to the floor to be heard on the motion to proceed to the highway bill, and I am hoping that will happen. I will only make a couple of comments.

I do not want to sound redundant, but I will respond to the distinguished Senator from Illinois. A couple of hours ago I commented that the people from Oklahoma maybe are different from the rest of the country. When I go down the street, people are concerned about the decisions of the U.S. Supreme Court. They are concerned about liberal judges legislating from the bench, and this President has been concerned about that. I am talking about things like school prayer, gay marriages, and ''one nation under God'' in the Pledge of Allegiance. These things are very important. These things are probably important to people all over the country.

It can be talked about hour after hour. Threats can be made about what one would do, but it is not a nuclear option, it is a constitutional option. This has been true for 214 years now, where there has not been a filibustering of circuit court judges. This is something that should not require a supermajority of 60 votes. If there is one thing my people in Oklahoma want changed, it is to be able to select judges who will interpret the Constitution and not use the bench for legislation purposes.

As far as the Energy bill is concerned, I do agree with the Senator from Illinois that we need to do something about our dependence on foreign oils for our energy supply. It is going to be absolutely necessary to have this Energy bill, and I believe we will have it. We need to address drilling. We need to do something about fossil fuels. We need to do something about nuclear and renewables. Just one example: In the House bill that was passed, there is a tax provision that will encourage people to go after marginal production. My State of Oklahoma happens to be a very large marginal producer. For those who are not familiar with this, a marginal well produces 15 barrels or fewer a day. We have the largest number of marginal wells in our State of Oklahoma. If we had every marginal well producing today that has been shut down or plugged up in the last 10 years, it would be more than we are currently importing from Saudi Arabia. These are little things that can be in an energy bill.

The President was misquoted on the Senate floor a few minutes ago, but certainly everyone realizes it is just a supply and demand issue. If we are able to produce more here, it is going to be cheaper. That is what we need to do. Those individuals who are somehow living in this mythical world that we can run the greatest machine in the history of the world on windmills are wrong. By the way, speaking of windmills, I find even some of the environmentalist extremists now do not want windmills because they are killing the birds. We have to realize we have the most powerful, largest machine ever in the history of the world, and we need to have an energy bill to run that machine.

CHINA'S THREAT TO NATIONAL SECURITY

Mr. President, over the past 3 weeks I have given three speeches calling our attention to the rising threat that China is becoming to our national security. Today I will highlight the areas that most directly affect our national security: weapons proliferation and military modernization. These two aspects are interrelated and add an alarming dynamic to our complex relationship with China.

It is a difficult situation, one in which information is our best resource. Five years ago, Congress created the bipartisan U.S.-China Commission to study the significance of recent events and the impact these events have on our national security. The Commission has held hearings and enlisted the services of experts across the world to gain clarity about what is happening with China. The conclusions are compiled in the U.S.-China Economic and Security Review Commission's 2004 report to Congress, a document that reveals an alarming picture of where we are heading.

China has made commitments to stop proliferating illegal technology over and over since 1992. However, its actual practice has been markedly different. Just this past January, the Bush administration sanctioned eight Chinese companies for aiding Iran's missile development. Two of these companies, China Great Wall Industry Corporation and China North Industry Corporation, have been repeatedly sanctioned for over a decade. Another penalized company, China Aero-Technology Import and Export Corporation, is suspected of transferring technology from McDonnell-Douglas to China's military. The fact is that China has been unable to control its own companies. According to State Department testimony, China has a ''serial proliferation problem,'' and while the official line is to crack down on the weapons trade, ''reality has been quite different.''

Over recent years, these transfers have become even more problematic, as the Commission details in its report:

> . . . Chinese transfers have evolved from sales of complete missile systems, to exports of largely dual-use nuclear, chemical, and missile components and technologies . . . Recent activities ''have aggravated trends that result in ambiguous technical aid, more indigenous capabilities, longer range missiles, and secondary proliferation.'' Continuing intelligence reports indicate that Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy . . . Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy. China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitments or exploiting differences between agreements.

In mid-2003, the CIA reported to Congress that ''firms in China provided dual-use missile-related items, raw materials, and/or assistance to . . . countries of proliferation concern such as Iran, Libya, and North Korea.'' With these recently sanctioned companies, we see that China is fully willing to proliferate regardless of the consequences. Why? Well, perhaps we need to consider that something else is going on here besides profits.

China seems to proliferate with countries that have been terrorist sponsors, countries such as Iran, Iraq and Libya. These countries in turn offer China something they desperately need: oil. In my last speech I discussed China's search for oil sources and the implications this has on economic and national security. But the connection here is beyond energy. The Commission report describes what it looks like:

> This need for energy security may help explain Beijing's history of assistance to terrorist-sponsoring states, with various forms of WMD-related items and technical assistance, even in the face of U.S. sanctions . . . But, this pursuit of oil diplomacy may support objectives beyond just energy supply. Beijing's bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances with countries that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States. Over time, Beijing's relationship-building may counter U.S. power and enhance Beijing's ability to influence political and military outcomes. One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

I cannot say it stronger than that. China is exploiting our timidity. The Commission recommends that we pressure the administration to develop and

publish a coordinated, comprehensive strategy. I think that is very sound advice and I will be introducing a resolution shortly to that effect.

Another major area of concern is China's military modernization. The weapons China is investing in include cruise missiles, amphibious assault ships, submarines, long-range target acquisition systems, and advanced SU–30 and SU–31 fighter aircraft it has been purchasing from Russia.

I have always been very proud of GEN John Jumper, who had the courage back in 1998 to stand up publicly to say right now we have other countries that are producing better equipment than we have, such as our strike vehicles. The very best we have is the F–15 and F–16. The SU–30s, according to General Jumper, are in many ways superior to ones we make in this country. We have to correct that situation and we are going to with the advent of the FA–22 and joint strike fighters that will be coming on line, but in the meantime China is buying these vehicles. We have always known they have a nuclear capability, but what is more concerning now is they have developed a conventional capability that is equal to or greater than ours in many respects.

The commission believes that this force is being shaped to fit a Taiwan conflict scenario:

> [China's] military advancements have resulted in a dramatic shift in the cross-Strait balance toward China, with serious implications for Taiwan, for the United States, and for cross-Strait relations.

The commission states that there are two ways we can prevent a military escalation over Taiwan. The first is to pressure the EU to maintain its arms embargo on China. This is a group of bipartisan experts saying this. Second, we should have harsher punishments for contractors who sell sensitive technology to China. We need a comprehensive annual report on who is selling what to China because, quite frankly, right now we simply don't know exactly how deep this problem goes.

Opting to ignore the situation with China is not a choice that we as representatives of the American people can afford to make. I urge this body to listen closely to the commission's conclusion:

> We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . China will likely not initiate the decisive measures toward more meaningful economic and political reform without substantial, sustained, and increased pressure from the United States.

In the resolution I introduce, I will be asking you to stand behind the US-China Commission's recommendations. These recommendations are listed in the Commission's 2004 Report to Congress. I have highlighted a few of these in my recent speeches, but there are many more. We need to send a message of urgency to the administration to adopt what our own commission recommends. This is not a partisan move. This is a real and legitimate need to respond to the facts before us. We have a clear picture of where the trends are heading—economically, militarily and in ideology—and the security of the United States demands our response.

In my last speech that will accompany the resolution I will be introducing, I will summarize all the recommendations from the commission. I hope it will be the first—but not final—step in the development of a more proactive and comprehensive policy toward China. It needs to be a policy that adequately addresses our national security, especially the proliferation of military technology. It also needs to address free trade, human rights and, of course, Taiwan. I fear the track we are on does not adequately address any of these.

This is very distressing. In some of the previous talks we quoted some of the Chinese colonels when they said we can do this to America, we can compete not only militarily but economically. This is something we have to be concerned about. I cannot think of anything that would be more important to address from a national security objective than that.

However, there is something that is most important to address right now and that is the subject we are on, which is the reauthorization of the highway bill.

I will make a couple of comments about that. I know there are some other people who want to come down. I will yield to them at that time. But when you look at the way the Senate has historically approached the reauthorization of the highway bill, it is different than has been done on the other side. It is the more difficult way because there are so many things that are in a formula. Formulas address problems in low-income States, in low-population States, in low-population density States, in States with high fatality rates, with guaranteed minimum growth and guaranteed minimum rate of return from donor States. We have donee States. All of these things are part of a very complex formula.

We will tomorrow be talking about this for an hour, from 10:45 to 11:45. There will be 1 hour equally divided between both sides. I will be controlling the time on this side. I hope at that time we have Members come down who are concerned about this bill, who have problems with this bill, so we can respond to those problems but, most importantly, so we can have cloture on a motion to proceed and have a vote. That vote will take place at 11:45 tomorrow morning. I look forward to coming down and debating the merits of the highway bill.

The bill passed last year—and this is substantially the same as last year's bill—passed this body by a margin of 76 to 21. I anticipate the same thing will happen, but it will not happen until we get to the bill. We will not get on the bill until the cloture on the motion to proceed is voted on, which will be at 11:45 tomorrow morning.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

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

SILVER STAR IN ILLINOIS ARMY RESERVE UNIT

Mr. DURBIN. Mr. President, I would like to say a few words about two Army Reserve soldiers from Illinois I had the pleasure of meeting recently: SPC Jeremy Church and LT Matthew Brown.

Both of these soldiers fought last year in a battle that remains the largest enemy ambush of American troops in the war in Iraq. The battle occurred on Good Friday last year, April 9, 2004.

The 724th Transportation Company of Bartonville, IL, was taking part in a convoy escort operation delivering fuel to Baghdad International Airport when it was ambushed by insurgents. More than 150 enemy fighters poured heavy weapons fire onto the convoy.

Lieutenant Brown was the convoy commander. Specialist Church was his driver. In the first minutes of the attack, Lieutenant Brown was wounded, losing his eye. Specialist Church remained calm, simultaneously treating his wounded lieutenant, driving his damaged vehicle, and firing his rifle, one-handed, at the enemy.

Specialist Church drove to safety, dropped off the wounded Lieutenant Brown, rallied some assistance, and then drove back into danger, the kill zone, to help rescue, extract, his buddies who were still trapped under fire. He loaded casualties onto a truck until it was full, then sent the wounded soldiers to safety while he remained behind to continue the fight, taking cover behind destroyed vehicles.

For his actions that day, Specialist Church was awarded the Silver Star, the third-highest honor the United States can offer for valor in combat. He is the first and only U.S. Army Reserve soldier to win this medal in this conflict. Lieutenant Brown was awarded the Bronze Star.