

Mr. President, I now ask unanimous consent to speak in leader time. The majority leader, Senator REID, is attending a funeral service for Mr. Tim Russert.

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

#### REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, this month the Senate Democrats have tried to confront many problems which face families across our Nation. From lowering taxes and addressing high gasoline taxes to ensuring quality health care for America's seniors and providing a helping hand to American workers who have been unemployed for more than 6 months, time and time again, the Senate Republicans have refused to give us an opportunity to address these issues. Republican obstruction has gone so far in the Senate that they will not even allow the Senate to debate legislation anymore, refusing to admit that these important concerns are worthy of Senate debate.

Yesterday, a new record was established in the Senate, one of dubious worth in the history of our Nation. But the Republicans have engaged now in 77 filibusters. The record previously for any 2-year session was 57. We still have another 6 months to go. The Republicans have now broken the record for the number of filibusters.

What is a filibuster? It is an effort to stop a bill, to stop a nomination, to stop debate, to make certain that the Senate will not engage in even debating the issues which the American people consider to be most important in their lives. And the Republicans have now broken the Senate record again with 77 filibusters.

It may not be news that they have broken the record. We knew this was coming, and I am sure their goal is probably 100 or more filibusters. So they will go down in history as being the most obstruction-oriented minority in the history of the Senate.

But this was a remarkable week. We will have had four filibusters in 8 days. What an amazing record. Republicans must point to that with pride—four filibusters in 8 days, one every 48 hours. They no longer seem content to stop legislation dealing with gasoline prices and Medicare for our seniors and trying to make sure we give unemployed workers across America enough money to feed their families. That is not enough. Now they refuse to even allow us to proceed to the legislation to debate it. They are so frightened by the prospect of an open debate with deliberation and amendments, they consistently vote against even engaging in debate.

In a little more than a week, the Republicans have blocked motions to proceed and debate the Consumer-First Energy Act, the Medicare Improvement Act, and the Renewable Energy and Job Creation Act, not once but twice.

Upon the conclusion of my remarks and the pending remarks of Senator

MCCONNELL from Kentucky, the pending business before the Senate will be the motion to proceed to the Renewable Energy and Job Creation Act. We tried for the second time yesterday to bring this legislation to the floor so we can have a debate.

What is so controversial about this bill that the Republicans would filibuster it not once but twice to stop the Senate from even considering this bill? This bill passed the House of Representatives last month by a vote of 263 to 160. Thirty-five House Republicans voted for the measure using the Tax Code to help reduce record energy prices across America.

What will this bill do? It extends expiring tax provisions that we need to encourage the development of sustainable, environmentally sensible renewable energy sources—solar, biomass, geothermal, hydropower, and wind.

In my home State of Illinois and many States across the Nation, these tax incentives have led to the development of wind farms, generating electricity without pollution, providing the energy we need for our economy to grow without endangering the planet on which we live.

When we said it is time to renew these tax incentives, let's make this part of our national effort, let's extend these tax provisions, create more incentives for the development of this energy, the development of new businesses, much needed American jobs, the Republicans said no. Let me be fair about that. Not all of them said no. Five Republicans yesterday voted to move forward on this bill, enough for them to say back home they are on the right side of history, but calculated in a way so there were never enough Republican votes to actually go to the measure. Five—Senators COLEMAN, COLLINS, CORKER, SMITH, and SNOWE joined all the Democrats present. We had 53 votes at the end of the day. We needed 60.

This is not an accident that enough Republicans crossed over to be able to say back home that they are doing the right thing for energy development, but not enough to actually move to the bill and debate. It has been a calculated strategy, and it has worked.

The Republicans time and again in the Senate have stopped us from considering measure after measure. They are determined that at the end of the day, this Senate, if they have their way, will accomplish little. They know they were branded in the last Congress as a do-nothing Congress. They are determined to stop us. In a closely divided Senate, 51 to 49, it is easy for them to hold back enough Members to stop us from taking up important measures for America.

Let me tell you what this bill would have done, the bill the Republicans opposed and used their filibuster and their votes to stop. It would have extended incentives for biodiesel fuel usage. Of course, that uses vegetable oil to supplement diesel fuel to reduce

our dependence on Middle Eastern oil. They voted no.

E85 gas pumps so that ethanol would be available in more cities across America so we can use this homegrown fuel and have less dependence on foreign oil. And the Republicans voted no.

Hybrid car purchases, a tax credit to families who buy hybrid cars, plug-in hybrids, for example. We know that is the wave of the future. We want to incentivize that market. The Republicans voted no.

The bill would have provided \$3 billion in tax credit bonds to State and local governments so they can take energy conservation measures with their infrastructure.

It supports the creation of hundreds of thousands of good-paying American jobs right here at home, and the Republicans voted no.

In addition, the bill extended the R&D tax credit which provides critical incentives to over 27,000 companies in America.

And finally, this bill would have helped a lot of American families by lowering taxes, property tax relief. I can tell you that in my State of Illinois, I hear about it wherever I travel—property taxes are too high. People need a helping hand. But the Republicans voted no.

We wanted to expand child tax credits for parents with young children, college tuition deductions for parents with older children, a deduction for classroom expenses for teachers, tax relief for our troops in combat under the earned-income tax credit, and State and local sales tax deductions for families who live in States that have no income tax—all of that tax relief for working families across America. The Republicans voted no. And to top it off, we did something that, frankly, may be new to the Republican leadership: We paid for it. We didn't put these tax cuts in at the expense of the American deficit. We didn't add to the American debt, not like this war President Bush has now waged for 5½ years, which he has failed to pay for, just adding it to the debt of our children. We paid for these tax measures by requiring hedge fund managers to pay taxes on compensation that is sitting overseas and delaying a new business tax benefit that hasn't gone into effect. But to protect businesses overseas and their workers, the Republicans voted no. They voted no when given a chance for tax breaks for working families and said, instead, they wanted to protect these businesses overseas.

Why do they refuse to even debate this bill? Let's be honest about it, we are going to need their support to pass it. They are going to have their day in court, if the bill comes to the floor. They are going to be able to offer amendments and deliberate.

Senator BAUCUS has proposed a substitute that would do the things the House would do in their bill and provide even more relief for businesses and families, including taking care of the

alternative minimum tax for another year. Why do they refuse to even allow these amendments to be offered?

I have heard from some of the largest businesses in my State—Boeing, Caterpillar, John Deere—and they want this bill, not to mention smaller businesses that rely on these energy tax credits to expand their reach of new jobs and opportunities in my State. I know families in my State want to see this passed, particularly those who are battling with the price of gasoline, the price of utilities, and those with younger college-age children who would benefit from child or tuition credits. But the Senate Republicans have chosen obstruction instead—77 Republican filibusters so far, and counting.

This isn't the only debate Senate Republicans have denied us and denied the American people. Last week, they filibustered our efforts to debate the Consumer-First Energy Act, which begins addressing the root causes of increasing gasoline prices. Gas and diesel prices are 2½ times what they were when President Bush took office, and at the same time the profits of the five largest integrated oil companies have more than quadrupled over the past 5 years, to \$116 billion in 2007. Total oil industry profits were \$155 billion. Many of us believe these oil companies must be held accountable. And if we don't hold them accountable, the prices will continue to increase. The bill that the Republicans stopped last week would have rolled back a \$17 billion Federal subsidy to these oil companies. How can we possibly explain or rationalize taking \$17 billion out of our Treasury at a time when we are facing record-breaking deficits, a war that costs us \$15 billion a month—not paid for—and giving it as a subsidy to the most profitable businesses in the history of America, the oil companies? I don't understand it. I would have loved to have heard that debate on that amendment. We didn't get a chance because the Republicans filibustered and refused to produce the votes we needed to bring this measure to the floor.

We also wanted to create a windfall profits tax so that some of the excessive profits of these oil companies would be reinvested in America in clean, renewable fuels and expanded refinery capacity. The Republicans voted no.

We wanted to protect consumers from price gouging. The bill would give the President the authority to declare an energy emergency and set an "unconscionably excessive price" limit that would be enforced so that consumers would be protected. Of course, the Republicans voted no.

We wanted to set limits on oil market price speculation, preventing the traders of U.S. crude oil from avoiding the law and routing their transactions to offshore markets. Speculation is part of the reason the price of a barrel of crude oil is so high. Most people understand that if we can stop excessive

speculation and manipulation, it will bring down the price of oil and the price of gasoline. The Republicans voted no.

We want to send a clear message to OPEC that we will allow enforcement actions against any company that is colluding to set the price of oil, natural gas, or petroleum products. That is a bipartisan measure. Senator KOHL of Wisconsin is the one who offered it, but Senator SPECTER joined him. Senator MCCONNELL came to the floor and called that provision ludicrous, in his words, and then the Republicans followed his lead and voted no.

The Consumer-First Energy Act would have prevented price gouging, profit taking, and redirected money away from industry and into renewable energy and expanded refinery capacity. But once again the Senate Republicans preferred a filibuster to a real debate. Their answer to all of these issues—drill, drill, drill. We will find enough oil to take care of America. They ignore the obvious: The United States has within its grasp or reach maybe 4 or 5 percent of the entire known oil reserves in the world. Every day, every week, every month, every year, we consume 25 percent of the world's oil. We cannot drill our way out of this. How many times will the Republicans and the President and Senator JOHN—well, sorry, I shouldn't refer to Senator MCCAIN in this context—how many times will the Republicans and the President say that the answer to all our prayers when it comes to the price of gasoline is a little patch of real estate in the Alaskan Arctic National Wildlife Refuge—1.5 million acres—yet failing to say that it will be years before anything can be produced there and will have a limited impact on the price of gasoline?

Last week, Senate Republicans also filibustered consideration of an effort to improve the quality of health care for our seniors—the Medicare Improvements for Patients and Providers Act, supported by the AARP, the American Medical Association, and many others.

What we are trying to do is stop an effort by the Bush administration to cut the reimbursement to doctors who treat Medicare patients. That reimbursement is to go into effect July 1. We want to make sure doctors continue to provide quality care to our seniors and disabled. The bill would have moved us also toward mental health parity by phasing out high copayments for mental health services, ensuring that seniors and those with disabilities receive Medicare. Finally, it would have made it easier to add preventive services to Medicare and address disturbing reports of abusive and fraudulent sales and marketing practices by the Medicare Advantage plans. These are private insurance companies, charging more than Medicare and making a handsome profit, which are being protected by many in the Senate. They should be held accountable, too, particularly when they engage in abusive

and fraudulent practices. We have that looming deadline in less than 2 weeks, with many doctors facing a drastic cut in Medicare reimbursement, but the Senate Republicans used the filibuster again and said no, they would not even allow the Senate to debate.

Finally, yesterday the Senate Republicans objected to the passage of the Emergency Extended Unemployment Compensation Act of 2008. That measure passed in the House 274 to 137, with 49 House Republicans—a bipartisan measure. When economic conditions have deteriorated in the past five decades, Congress has routinely provided extended unemployment benefits—1958, 1961, 1972, 1975, 1982, 1991, and 2002. It was routine and bipartisan.

Over the first 3 months of this year, the U.S. economy has lost a total of 232,000 jobs, and the total number of unemployed in our country has grown by 1.1 million workers over the last year. The unemployment problem is especially severe for the long-term unemployed, who have been looking for work for more than 6 months. In the 1990 recession, the long-term unemployed comprised 9.8 percent of all workers. In the 2001 recession, 696,000 workers were unemployed, representing about 11 percent. In May of 2008, there were 1.6 million American workers unemployed for more than 6 months. That represents nearly 18 percent of all unemployed workers. Their unemployment insurance benefits are not only the right thing to do for these workers, they are the best thing we can do for the economy. Putting this money in the hands of an unemployed family means they will be able to pay their rent, pay their utility bills, buy clothes for the kids, and the necessities of life. It is money that will create economic growth in America.

Sadly, the Senate Republicans said no. They believe giving unemployment benefits to people who have been out of work will discourage them from looking for work. They want to starve them into their next job. That doesn't make sense. It has never made sense. On a bipartisan basis, we have said we are going to stand by these families, that we are going to make sure they have food on the table and that they can take care of themselves until they do find that job. But the Republicans used their filibuster to vote no.

I understand this morning that the minority leader may come here and make an attempt at a political "get well" card. He knows many of his Republican Members have come to him and said they do not like to continue to vote no. I think they are starting to feel the pain of being the filibuster party. They know they may be filibustering themselves right out of their Senate seats. So a unanimous consent request will be made. Unfortunately, it has no hope because it doesn't go to the substance. We had an opportunity yesterday to bring these measures up, and the day before. If they would have just sent over a half dozen or maybe

nine more Republican Senators, we would be debating the very bills they are now going to ask us to turn to.

So I urge my colleagues on the Republican side of the aisle, don't become the filibuster party. Become a party that is willing to work on a bipartisan basis to solve our Nation's problems.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

#### HIGH GAS PRICES

Mr. McCONNELL. Mr. President, high gas prices continue to frustrate the American people, and so I think it is important that Congress show we are fully engaged on this issue and ready to help in any way we can. Unfortunately, that means the parties will have to come together on a solution, something our friends on the other side seem, at least so far, stubbornly unwilling to do.

The commonsense solution to this problem, we all know, is a combination of energy exploration in the United States to bring down prices in the short term married to a long-term strategy of energy independence through development of clean energy technologies. If we are going to help Americans in the short term, obviously we need more American energy now, but our friends on the other side don't want to hear it. They think Americans should get used to \$4-a-gallon gasoline.

Asked last week about the sudden spike in gas prices, the Democratic nominee for President said he would have preferred a gradual adjustment. As I have said several times, and others have, I don't think that is the common view in the United States, and I want to give my colleagues on the other side one more opportunity to say that, in their view, Americans shouldn't have to get used to \$4-a-gallon gasoline. I haven't heard a single one of them say so yet, but I can't imagine they agree with their nominee that what Americans really needed was a gradual adjustment to \$4-a-gallon gasoline.

#### FISA LEGISLATION

Mr. McCONNELL. Mr. President, on another issue, Senator BOND reports that the FISA discussions have yielded a rough compromise that may be acceptable to the DNI, the White House, and the chairs and ranking members of the Intelligence Committees. Because the House leadership has denied a majority of House Members a vote on the acceptable Senate-passed bill last year, the burden remains on House leaders to prove they are capable of passing FISA legislation that the President will sign.

#### UNANIMOUS-CONSENT REQUEST— S. 3118

Mr. McCONNELL. Mr. President, I just listened to my good friend the ma-

jority whip spend considerable time this morning complaining about obstruction and delay, so, as I indicated to him in advance, I am going to give him a chance to move forward, if they will just take yes for an answer.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 776, S. 3118, a bill to preserve Medicare beneficiary access to care, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate Republicans had their chance last week to move to any measure relative to Medicare and they chose instead to filibuster and to fail to produce enough votes to move to the debate. This effort here is simply trying to create a political "get well" card for those who voted wrong, and I object.

Mr. McCONNELL. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Did I hear an objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS-CONSENT REQUEST— 18-MONTH EXTENSION

Mr. McCONNELL. Another option we could pursue on a bipartisan basis is to do what we did last December, which is pass a 6-month extension on a bipartisan basis. So maybe we can simply extend existing law for 18 months, the 18-month period being the one we had been discussing before the bipartisan talks broke off.

Therefore, I ask unanimous consent that the Senate proceed to immediate consideration of a Senate bill, which I will send to the desk, and is a clean 18-month extension of the December Medicare bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, our greatest successes in this Congress have come when both sides work together. We have seen it many times, from last year's Energy bill to the economic stimulus package. We started down the same path when we began the Medicare discussion a few months ago. Both sides wanted to prevent cuts to physicians in the Medicare Program, preserve access to the quality medical

care our seniors have come to depend on, and improve the program with things such as electronic prescribing. Unfortunately, the majority walked away from these bipartisan discussions. With the deadline for action approaching at the end of the week, frankly, we need to pass a bill.

I am willing to consider many different options. Senator GRASSLEY drafted a bill that would protect Medicare benefits for seniors and that could be signed into law by the President. It should be passed today in the Senate, but the majority has passed on an opportunity to do that.

I am going to resist the temptation to launch into a speech like my good friend from Illinois about how many times legislation has been blocked by the minority. I think the finger-pointing at this point on this bill is ridiculous. We have a couple of weeks to pass it. We need to get together and pass it.

If the other benefits and improvements to Medicare are unacceptable to the majority, my side is willing, as I suggested a few moments ago, to extend the bill passed in December of last year for 18 months, with a 1.1 percent update for 2009. It was acceptable enough to pass 6 months ago by unanimous consent, so it should be acceptable enough now. It is critical we prevent these cuts from taking effect. This bill would do that. The majority, unfortunately, has objected to that path.

It is some cause for confusion. I thought our friends on the other side were interested in preserving seniors' access to physicians from being compromised. As physicians face a 10.6 percent cut in Medicare reimbursement, we need to be working together. I know I speak for myself as well as Senator GRASSLEY when I say we remain hopeful that the majority will stop playing partisan politics and return to the negotiating table so we can quickly pass this much needed legislation.

#### UNANIMOUS-CONSENT REQUEST— S. 3098

Mr. McCONNELL. Finally, I notified my friend on the other side I also wanted to ask consent that the Senate proceed to the immediate consideration of Calendar No. 771, S. 3098, a bill to extend expiring tax relief. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. That was the extender package, the McConnell-Kyl-Grassley package. That includes the 1-year AMT patch omitted by the House bill that we had a vote on yesterday and extends the provisions that expired in 2007 for 2 years. This is a 1-year