

This situation reminds me of a story I learned as a young lawyer that has now become somewhat legendary, which says: If you have the facts, you pound the facts. If you have the law, you pound the law. If you have neither, you pound the table.

That is exactly what is happening today and has happened on many other occasions. Unfortunately, it has happened, Mr. President, a record number of times this session—84 filibusters. That is obstruction at its zenith.

Republicans would love to muddy the issue by claiming that the Democratic majority won't let them be heard, but that is simply not the truth. Democrats have proposed a comprehensive plan to address our energy crisis, starting with speculation. The Republicans, if they do not like our speculation legislation, let them offer something to the contrary. The Republicans have been talking about their plan for weeks and weeks now. That plan is to drill, to drill, and to drill.

Now, both parties want more drilling. It is not something that simply the Republicans want. We Democrats believe that increasing domestic production is certainly a big part of the problem, and we should do something about it. But, Mr. President, realistically—and we all know this—realistically we have a situation where we have, counting ANWR and all the offshore oil, less than 3 percent of the oil in the world. We use more than 25 percent of the world's oil every day. So we can't produce our way out of the problem. We can certainly increase domestic production, and we should do that, and we have a comprehensive plan to do that.

Our approach is different from theirs on drilling. We believe our approach is more responsible because we basically force the oil companies to take a look at the land and do an inventory of it and tell us why they are not using certain pieces of land. That is 68 million acres in addition to about 25 million acres in Alaska that are available with the signing of the President's pen. That increases it up to, as you know, about 90 million acres.

We have offered our plan to the Republicans. They say they want to drill. They have talked about what their drilling plan is, and we have said: Let's have a vote on it. But they have said no. They can't take yes for an answer. So it is very clear. The only conclusion the American people can reach from this is that the Republicans would rather talk than act. They would rather score, in their own minds, some kind of political points with the oil companies than accomplish something for the American people.

The Republican leadership has refused our offer of votes on drilling, so I am going to now, Mr. President, file cloture on this piece of legislation before us—the speculation legislation. I think it is very important that we do that, and it is important for a number of reasons.

I should mention that one of the things they refuse to take yes for an

answer on is their drilling proposal. But I am confident the American people are seeing what the Republicans are doing, and have been doing, for 18 months—talking and talking about drilling and then running for the exits when we give them a vote on what they have asked to do.

I am equally confident, when given a choice of who to send to Congress, the American people will choose to send people who want to get things done and not those who seek delay, obstruction, and the failed ways of the past.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CLOTURE MOTION

Mr. REID. Mr. President, I apologize to everyone. I wanted to make sure I hadn't missed anything in my script.

I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Christopher J. Dodd, Byron L. Dorgan, Bernard Sanders, Patty Murray, Benjamin L. Cardin, Dianne Feinstein, Amy Klobuchar, Robert P. Casey, Jr., Ron Wyden, Ken Salazar, Bill Nelson, Debbie Stabenow, Daniel K. Inouye, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

#### MOTION TO COMMIT

Mr. REID. Mr. President, I move to commit the bill to agricultural committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 3268) to the Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith, with an amendment numbered 5100.

The amendment is as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 5101

Mr. REID. I have an amendment to the instruction at the desk. I ask now for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5101, to the instructions of the motion to commit.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 5102 TO AMENDMENT NO. 5101

Mr. REID. I now have a second-degree amendment at the desk. I ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5102 to amendment No. 5101.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike "2" and insert "1".

#### HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3221, which is the housing legislation.

The PRESIDING OFFICER laid before the Senate the following message:

*Resolved*, That the House agree to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 3221) entitled "An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation", with an amendment.

Mr. REID. I move to concur with the amendment of the House to the Senate amendment to H.R. 3221, and I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Barbara A. Mikulski, Frank R. Lautenberg, Robert Menendez, Patty Murray, Bill Nelson, Daniel K. Akaka, Jeff Bingaman, Ron Wyden, Ken Salazar, Charles E. Schumer, Daniel K. Inouye, Jon Tester, Patrick J. Leahy.

Mr. REID. I ask the mandatory quorum call be waived.

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

## MOTION TO CONCUR

Mr. REID. I now move to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment which is at the desk.

## AMENDMENT NO. 5103

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House to the Senate amendment to H.R. 3221, with an amendment numbered 5103.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

The provisions of this act shall become effective 2 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 5104 TO AMENDMENT NO. 5103

Mr. REID. I have a second-degree amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5104 to amendment No. 5103.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

Mr. REID. I ask that no motion to refer be in order during the pendency of this message.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, if I might ask the leader a question, the filing of the cloture motion on the housing bill at this point means there will be a Saturday vote?

Mr. REID. I say to my friend, you are the one who pretty well determines when we vote on these things. It will probably be—it will be Friday.

Mr. DEMINT. Friday, if all the time is used. I would like to make the Sen-

ator aware that I believe we could arrange a unanimous consent to shorten the time, if you would allow one amendment that would prohibit Fannie May and Freddie Mack or organizations from lobbying during this time of taxpayer-secured funding. So we are prepared to shorten the time, if you are willing to allow that unanimous consent.

Mr. REID. I say to my friend, the Senator from South Carolina, that this bill is so important. We have filed—I kind of lost track, but because of your side we have had to have four cloture motions. This will be the fifth on this most important piece of legislation, a piece of legislation that has been promoted and the administration has prodded us to get this done weeks ago.

Of course, if your amendment is made part of what we are going to do here and this legislation is changed, it goes back to the House again. Then we have a process that seems never ending.

I have no problem with the intent of the Senator from South Carolina. I think there would be, perhaps, support on both sides of the aisle for your amendment.

That being the case, I think it would be a real travesty at this time. I don't know if there is a day that has gone by this week—it is only Wednesday, so probably not—a day that has gone by this week that I haven't received a call from someone in the White House, including on several occasions the Secretary of Treasury, saying please do not hold this up at all. This has to be done.

So I say to my friend again, in no way denigrating the intent of the offer because I think the intent is sincere, I hope you would not force us to do this.

Speaking on behalf of President Bush—and I don't do that very often—I don't think we should do this. I don't think we should send this back to the House. I think we should complete it here.

I will be happy to consider joining the Senator in a letter to the two entities regarding some way to make sure they are transparent in any lobbying they do. I would be happy to do something on this. But I feel constrained not to slow this very important legislation, which is well over a month overdue at this time. Every day that we do not do something—every day there are 8,500 people who get foreclosure notices; 8,500.

It may not seem like much, but if we send this back to the House, we would complete it sometime late next week. During that period of time, we would probably have about 45,000 people who would have entered foreclosure proceedings, when this legislation will allow, some say, up to 1 million people to be able to save their homes.

I hope the Senator would not press us on that. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I offered a unanimous consent request, the last one I offered, and my friend from South Carolina reserved the right to object, so I withdraw that.

## WARM IN WINTER AND COOL IN SUMMER ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3186) to provide for the Low-Income Home Energy Assistance Program.

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program.

Harry Reid, Bernard Sanders, Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Patty Murray, John F. Kerry, Kent Conrad, Benjamin L. Cardin, Jack Reed, Jon Tester, Thomas R. Carper, Joseph R. Biden, Jr.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

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

The Republican leader is recognized.

Mr. MCCONNELL. I say to my Senate colleagues, to the American people, there is both good news and bad news. The good news is we are now on a subject that the American people are interested in. The bad news is, it only deals with a very tiny part of the overall problem we confront.

We know that over 80 percent of the American public believes we ought to expand domestic production of oil and gas, both onshore and offshore. We know a speculation-only bill, while interesting debate as to what part of the price of gas at the pump speculation involves, we know that alone is not going to deal with the core problem, which is we do not have enough supply of oil and gas.

As the most famous rich Democrat in America, Warren Buffett, said: We do not have a speculation problem, we have a supply and a demand problem.