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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

Eternal Father, our help and our hope, we honor Your Name. Lord, often when we need You most, we find it difficult to come to You. Sometimes we do not come because we are impressed with our own strength and don't feel any need. Sometimes our failure and sin blocks the path to You. Either way, Lord, it is pride that deprives us of Your blessings and favor. Forgive us, Lord, for finding it difficult to understand and accept the unmerited favor of Your grace.

Today, as our lawmakers reach out their hands to accept Your grace, free them to do Your will. Help them to see You are a Friend who can keep them strong and turn their sorrow into singing. Lead and guide them so that Your Name will be honored. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON, led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 30, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be an hour for debate, with the time equally divided and controlled by the two leaders or their designees. I will control the final 10 minutes and the Republican leader will control the 10 minutes prior to my statement. Senator LEAHY will control 10 minutes of the majority time. At 11 a.m. the Senate will proceed to vote on cloture on the motion to proceed to the media shield bill, S. 2035. If cloture is not invoked, the Senate will proceed to vote on the motion to invoke cloture on the Senate tax extenders bill, S. 3335.

There are other matters we could turn to: the consumer product safety conference report, the higher education reauthorization conference report. They may be made available later in the week.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## RECOGNITION OF THE MINORITY LEADER

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

## HONORING OUR ARMED FORCES

### PRIVATE FIRST CLASS TIMOTHY R. VIMOTO

Mr. MCCONNELL. Mr. President, I rise because a soldier from my home State of Kentucky has fallen. On June 5, 2007, PFC Timothy R. Vimoto was tragically killed while on patrol in the Korengal Valley in Afghanistan. Private First Class Vimoto, who called the town of Fort Campbell, KY, his home, was 19 years old.

For bravery in service to his country, Private First Class Vimoto received several awards, medals, and decorations, including the Bronze Star Medal.

Private First Class Vimoto's Kentucky story may be more circuitous than most; yet I am proud to stand here and say we both hail from the Bluegrass State. Born in Hawaii, Tim's father is CSM Isaia T. Vimoto. Being from a military family, Tim followed his father to Army postings as a child.

This led Tim to Fort Campbell, KY, home to thousands of our brave soldiers and the 101st Airborne Division. Command Sergeant Major Vimoto was a senior advisor to the commander of the 101st. Tim attended Fort Campbell High School, where he made many friends and was part of the school's football team.

''Tim was known throughout the school as the kid with the biggest and best smile,'' says Shawn Berner, Tim's high school football coach. ''He was always smiling and willing to help anyone in the school. . . . He was a very caring and generous person that touched a lot of people's lives in a positive manner.''

''He's one of our babies,'' says Kesha Ladd, one of Tim's old teachers at Fort Campbell High. ''When you teach on post, it's like you help raise these children when their parents are deployed.''

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



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''Tim was liked by everyone,'' Shawn Berner adds.

After graduating high school in 2006, Tim chose to follow in his father's footsteps and enlist in the Army.

He was assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, based in Camp Ederle, Italy. In fact, he was at the same posting as his father at that time, and as Isaia Vimoto was the brigade's most senior enlisted soldier, Tim actually fell under his command.

Fellow soldiers remembered the influence Tim's father had on him and how it shaped him into the model soldier he became.

''He saw the transformation from being a son to being a soldier,'' says SGT Andy Short. And ''no matter what Vimoto was doing, he had a smile on his face.''

''Throughout his childhood, [Tim] watched his father train, deploy, re-deploy and develop into one of the strongest leaders in the Army,'' says another fellow soldier, CPT Matthew Heimerle.

Command Sergeant Major Vimoto himself, currently stationed in Italy, says his son was ''a very talented young man with lots of potential.''

Tim's family and fellow soldiers held a memorial service for him in Italy, and hundreds of friends who wanted to say goodbye packed the chapel. We are thinking today of all those who mourn his loss.

Our thoughts are with his parents, Isaia and Misimua Vimoto; his brothers, Isaia Jr. and Nephi; his sisters, Sabrina and Ariel; and many other loved ones.

Mr. President, the Vimoto family's loss of their beloved son and brother—while serving alongside the father who raised and inspired him, no less—cannot be measured. But neither can this U.S. Senate's immense pride and reverence for his service and his sacrifice.

Our Nation honors him as a soldier and a patriot. And we thank the Vimoto family for giving their country such a hero.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DURBIN). Under the previous order, the leadership time is reserved.

## FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2035, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 2035) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

The PRESIDING OFFICER. Under the previous order, the hour prior to the cloture vote will be equally divided and controlled by the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 20 minutes under the control of the two leaders, with the majority leader controlling the final 10 minutes prior to the vote, and with 10 minutes of the majority time under the control of Senator LEAHY of Vermont.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak in support of S. 2035, the Free Flow of Information Act.

This legislation is truly a product of bipartisan effort during this Congress. Senator SPECTER and I have worked closely together to craft a careful bill that protects both the freedom of the press and the safety of our citizens.

In a free and democratic country, we should be able to do both, and this bill does.

Other Senators—including Senators LUGAR, DODD, and GRAHAM—have been instrumental in moving the bill to this point, and I wanted to thank our chair, Senator LEAHY, for being not only a sponsor of the bill but somebody who helped bring it to the floor.

S. 2035—a product of lengthy compromise and negotiation—is ripe for passage. In fact, it is long overdue.

There is now overwhelming support for a Federal law that gives a qualified—I repeat, qualified—privilege to allow journalists to honor promises of confidentiality to their sources unless a judge finds that compelling disclosure better serves the public interest.

How widespread is support for this legislation?

The presumptive Democratic Presidential nominee, BARACK OBAMA, supports this bill. The presumptive Republican nominee, JOHN MCCAIN, supports this bill. Forty-two State attorneys general—both Democratic and Republican—support this bill. The Senate Judiciary Committee, as evidenced by a vote of 15 to 4, supports this bill. The House of Representatives, as evidenced by a vote of 398 to 21, supports a similar bill. And, of course, over 100 newspaper editorials support this bill.

Conservative voices, such as former Solicitor General Ted Olson and the editorial page of the Washington Times, support this bill, as well as the Washington Post. So it does have broad support.

Given some of the ill-founded handwringing by the current administration over this bill, it is worth listening to what former Justice officials such as Mr. Olson say. Here is what Ted Olson recently wrote:

A free society depends on access to information and on a free and robust press willing to dig out the truth. This requires some ability to deal from time to time with sources who require the capacity to speak freely but anonymously. . . . [The Free Flow of Information Act] is well balanced and long overdue, and it should be enacted.

That is Ted Olson, so it is surprising the administration is opposed to the bill. There is similar support from both liberal and conservative sides.

Here is how the conservative Washington Times put it:

A sound shield law guards not ''the media'' but something much more vital—the public's right to know . . . A measured law would not shield sources who perpetrate demonstrable and articulable harm to the country's national security interests. But it would rightly shield most others. Such a bill awaits Senate action now. It should be passed.

That is from an editorial of July 25, 2008.

Unfortunately, given the broad and bipartisan support of this legislation, a minority of critics have taken to attacks that are overwrought and overstated.

Every criticism is either wrong or is effectively addressed in the substitute bill, which I spoke about last night on the floor and is in the RECORD as of last night, so my colleagues can see it. Senator SPECTER and Senator LUGAR and I have worked to meet every one of these objections.

Fundamentally, critics have suggested the bill would represent a radical change in the law. Nothing is further from the truth. It even tracks this Justice Department's own guidelines. All we are saying is that given recent events and Government actions, a judge should be the final arbiter when it comes to subpoenas to journalists for sensitive information. It is not an absolute law. It doesn't say ''never.'' It doesn't say ''always.'' Some on the press side wanted ''always.'' Some on the administration side wanted ''never.'' It is a careful, balancing test. Moreover, a majority of Federal circuits now recognize some privileges for journalists in, of course, 49 States, plus the District of Columbia recognizes those protections.

However, because of some of the recent comments about the bill, Senator SPECTER and I have undertaken to address a series of other concerns, and should we move to proceed, the substitute measure will be on the floor. I outlined last night on the floor the changes that I think meet the concerns of the critics in two places in particular: one, making sure classified information does not get out and is protected, and, two, the definition of who is a journalist so we make sure that those who just casually criticize or whatever do not get the protection, as would professional journalists.

So the text of the substitute is here, and I hope my colleagues—I hope we will move to this. I know we have disputes on other issues, but this is the Senate working: broad, bipartisan, carefully thought out legislation that can move forward with an overwhelming vote. I hope we will move forward today.

On the other bill coming before us, the extenders bill, just one point before I yield the floor.

If you care about reducing gasoline prices, the bill on the floor today, with tax incentives for alternative energy,

will do far more than any amount of drilling to free our dependence on foreign oil and to reduce prices. I hope my colleagues will support that bill as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate the comments of the Senator from New York on the so-called media shield bill. Let me address those briefly before I talk for a moment about the extenders, and then what I wish to spend most of my time on is the subject we have been talking about but, frankly, not doing enough about during the last 2 weeks; that is, bringing down the price of gasoline at the pump for the American people.

The problem that I continue to have, as the distinguished Presiding Officer knows as a member of the Judiciary Committee, we discussed in the Judiciary Committee whether it is appropriate for the Congress to designate members of the media who would be the beneficiaries of a media shield while saying that there are other people who are engaged in the free flow of public information, such as bloggers, who would not.

I remember when William Safire, the distinguished journalist, testified before the Judiciary Committee and someone asked him about bloggers. He said he considers them the new pamphleteers, modern-day pamphleteers. In other words, they could be writing things just as importantly as Thomas Payne might have written at the time of the country's founding, and yet the legislation the Senator from New York talked about would do nothing to provide them the benefits of a media shield, and there would be—in effect, Congress would be deciding who is a legitimate journalist and who is not. I, for one, am not comfortable with the Federal Government in essence licensing journalists and ignoring the new media, which is the source of a lot of information, and treating them in a discriminatory manner.

TAX EXTENDERS

With regard to the extenders package, there are many, if not most, of us here in this Senate who would love to see the extenders package, or some form of it, passed. Renewable sources of energy such as solar and wind are very important in my State. We are No. 1 in the production of wind energy in Texas. Of course, T. Boone Pickens, one of my constituents, has been up here talking rather visibly about his advocacy of generating more electricity from wind and using natural gas to power vehicles and thus reducing our dependency on imported oil from the Middle East.

However, the fact is that I believe we will probably vote against moving off of the energy issue generally because, frankly, we shouldn't be changing the subject at a time when we are very close to being able to have a vote on producing more American energy and relying less on imported energy and oil from the Middle East and abroad. Why it is that our colleagues in the majority are trying so hard—putting up cloture vote after cloture vote—to try to change the subject rather than allowing us to stay focused on and actually do something on bringing down the price of gasoline is, frankly, beyond me.

Mr. KYL. Mr. President, would my colleague from Texas be willing to answer a couple of questions I would like to pose to him?

Mr. CORNYN. I would, Mr. President.

Mr. KYL. Mr. President, the first question I have for my colleague is this: The Senator from Texas and I both serve on the Judiciary Committee, which considered this so-called media shield legislation some months back.

Does my colleague recall that when the bill was brought to the committee, it was brought with the suggestion that it was pretty perfect as written and that we shouldn't change a comma of it or we would be roundly criticized by editorial boards around the country? In point of fact, I was.

Does my colleague recall—and maybe you can refresh my recollection. My recollection is that we adopted 10 or 12 pretty serious amendments to that legislation in an effort to try to improve it and that most of the amendments that were adopted were overwhelmingly in their support. Is my recollection correct on that?

Mr. CORNYN. Mr. President, I believe the Senator from Arizona is correct. There was a lot of activity at the Judiciary Committee level to try to improve this bill on a bipartisan basis. I believe his recollection is correct.

Mr. KYL. Mr. President, the second question: When we passed that bill out of the committee, there were explicit assurances that we would continue to work on it because of the recognition that it was not, in my words, ready for prime time, but it was clearly in need of additional work. It is complicated. We would continue to work on it, A; and B, is it also correct that the Senator from Texas, as well as others, including my staff and myself, have been engaged in a lot of discussions since then, including, as the Senator from Texas noted, trying to figure out how to define who is a journalist and who would be protected?

Mr. CORNYN. Mr. President, the Senator is correct again. This has been a challenging issue because, frankly, the very nature of communications has changed dramatically. I mentioned the bloggers, which are sort of a new innovation. There is nothing in this bill that would prevent someone—let's say a jihadist or someone let's say from al-Jazeera or those who pretend to promote some of the activities that are directed against our own citizens or against our allies—from posing as a journalist and thus gaining the protection against testifying or cooperating with a grand jury that any average citizen in the country would have to do. So there remain problems we have not been able to work through.

Mr. KYL. Mr. President, if I could just pose two other quick questions.

So would my colleague from Texas agree that at such point in time as this legislation is brought to the Senate floor, we are going to need to continue to make improvements on it that will, first, necessitate debate and amendments? Also, would my colleague agree that it would be a huge mistake to try to bring this bill to the floor under a scenario in which we are pushed up against the recess, we are trying to do an energy bill, we are trying to do a tax extender bill, and that it would take far too much time in terms of amendments; that presumably, if cloture were invoked and this bill were to be brought up, the parliamentary procedure would be such that we wouldn't be able to offer any amendments, and that would be a mistake in the way this bill would be considered? Would my colleague agree with that?

Mr. CORNYN. Mr. President, I agree with the Senator from Arizona. My understanding is that because of the delays, because the majority leader has basically refused to allow us to go to the energy package we proposed which we believe will actually bring down the price of gasoline at the pump, we find ourselves up against an adjournment on Friday, which I believe the majority leader has addressed, with two very important issues we need to address: lowering gas prices at the pump and then the tax extenders bill. The tax extenders would provide tax credits and support for things such as renewable energy and the like, which I support and which I hope we will pass as well. So I don't know how we can do justice to the media shield bill and give it the kind of debate and the amendment process it deserves in this compressed timetable.

Mr. KYL. Mr. President, just one final quick question. Is my colleague from Texas also aware of an editorial in the USA Today magazine on Monday, July 28, by the DNI—the Director of National Intelligence, Mike McConnell—who joined with the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, the Secretary of the Treasury, and, as he put it, every senior intelligence community leader in expressing his strong belief that this bill will greatly damage our ability to protect national security information?

Mr. CORNYN. Mr. President, I did read that op-ed piece with great interest myself when it was published in USA Today, and I hope we can make that part of the RECORD following my remarks.

Mr. KYL. Mr. President, if my colleague will indulge me for another 10 seconds, I hope that on the basis of this information, our colleagues would agree that whatever the view on the energy legislation, we should not be turning to the media shield legislation,

and, in point of fact, if we are going to do something about gas prices, we need to keep our eye on that ball and get that work done before we leave here on Friday.

Mr. President, I ask unanimous consent to have the op-ed piece I referred to printed in the RECORD at this point.

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

[From USA Today, July 28, 2008]

BILL WRONGLY SHIELDS PRESS; THOSE WHO LEAK CLASSIFIED DATA SHOULD BE PUNISHED

(By Mike McConnell)

The Senate is considering a proposal that would bestow a ''privilege'' on reporters, shielding them from revealing confidential sources of important national security information, even when their sources have broken the law by disclosing classified information. The intelligence community recognizes the critical role that the news media plays in our democratic society. However, this bill would upset the balance established by current law, crippling the government's ability to investigate and prosecute those who harm national security.

I have joined the attorney general, the secretaries of Defense, Energy, Homeland Security and Treasury, and every senior intelligence community leader in expressing the belief, based on decades of experience, that this bill will gravely damage our ability to protect national security information. Unauthorized disclosure of classified information disrupts our efforts to track terrorists, jeopardizes the lives of intelligence and military personnel and inhibits international cooperation critical to detecting and preventing threats. Those who illegally disclose information recklessly risk our national security and breach a sacred public trust.

It is a delicate balance to protect national security information from improper disclosure, while respecting the rights of the press to publish information it deems of public interest. This legislation upsets that balance by shielding those who illegally leak national security information and increasing the likelihood of destructive revelations in the future. The bill forces the government to meet ill-defined standards that require the disclosure of additional sensitive information. It also cedes critical judgments about harm to national security from national security professionals, charged with protecting the country, to the subjective determination of individual judges.

We do not see the problem that this bill is meant to address. All evidence indicates that the free flow of information has continued unabated in the absence of a federal reporter's privilege. Indeed, prosecutions in this area are exceedingly rare, and the longstanding policy of the Department of Justice strictly limits circumstances in which prosecutors may seek information from journalists. We must retain the ability to bring to justice those who break the law and cause irreparable harm to the United States and its citizens.

Mr. CORNYN. Mr. President, may I inquire how much more time I have remaining?

The ACTING PRESIDENT pro tempore. There is 11 minutes 11 seconds remaining.

Mr. CORNYN. I thank the Chair.

Mr. BAUCUS. Mr. President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. Does the Senator yield for a parliamentary inquiry?

Mr. BAUCUS. Mr. President, parliamentary inquiry: I wish to clarify the remaining time.

The ACTING PRESIDENT pro tempore. The final 20 minutes of the debate has been reserved for the two leaders. The time preceding that, the minority now has 10 minutes 50 seconds. Of the majority time, 10 minutes is reserved for the Senator from Vermont. The remaining 4 minutes 44 seconds is available.

Mr. BAUCUS. I ask unanimous consent that during the remaining time, the Senator from Montana be allocated the remainder of that 5 minutes on the majority side.

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

Mr. BAUCUS. I thank the Senator from Texas, and I thank the Chair.

Mr. CORNYN. Mr. President, there is a lot about the tax extenders package that I support. The State and local sales tax deduction—Texas doesn't have an income tax, thank goodness. I don't believe we ever will. We do have a sales tax, and we would hope to be treated in a nondiscriminatory way by the Federal Government in providing a deduction for sales tax. We have had the ability to do that, which has expired, but it saves over $1 billion for Texans in tax relief each year. Of course, I support the research and development tax incentives, the temporary AMT, or alternative minimum tax, relief, as well as the other renewable energy tax incentives, including those for solar and wind.

However, I do not understand the insistence of the majority leader of filing repetitive motions to proceed to something other than an energy bill that would actually generate more American production of oil and gas here at home and cause us to rely less on imported sources. Why there is this repeated insistence time and time again with these repetitive votes to take us off of the only bill that has been offered—the only legislation that has been offered that would actually increase American energy resources and require us to rely less on imported oil is beyond me.

As I said, I support the renewable energy provisions that would continue to encourage the production of solar and wind power. I believe that conservation is a very important part of what we need to do as well.

My colleagues have seen this chart before. We have said that what we need to do is find more and use less. Yet the majority leader has consistently, so far, refused to allow us the opportunity to introduce amendments and to have debate and votes on something that would actually have an impact on the price of gasoline at the pump.

We think we need a balanced and comprehensive approach to deal with this problem. Since the majority leader became the majority leader—on January 4, 2007, the price of gas was $2.33 a gallon. It has been as high as $4.11 a gallon. Now, thank goodness, the average price is $3.93 a gallon.

The fact is, we have a supply problem and we have a demand problem. The supply problem is that for some reason, for the last 30 years or so, Congress has placed 85 percent of our domestic oil and gas reserves out of bounds. We passed annual bans in the form of a moratorium on appropriations riders that prevent the production of oil and gas that we know is there in the Outer Continental Shelf or the submerged lands along the coastlines of the United States, as well as up in Alaska where we know there are huge volumes of gas and oil. And there is a pipeline conveniently close by that could actually deliver that for use in the lower 48 States.

We know there are as much as 2 million additional barrels of oil a day out in Idaho, Wyoming, and Colorado in the form of oil shale, which now the technology exists to be able to produce that. Can you imagine how much different things would be if, instead of importing those 3 million barrels of oil a day from countries such as Saudi Arabia and organizations like OPEC, the Organization of Petroleum Exporting Countries, and people such as Hugo Chavez in Venezuela—can you imagine what it would be like if we actually produced 3 million more barrels of oil in the United States so we didn't have to import that from abroad?

I don't know anybody who has done a better job of capturing the public's imagination on that than my constituent, T. Boone Pickens. He has been an oilman all his life, but now he is perhaps the most visible and forceful advocate for wind energy and for natural gas to use to power cars. His main focus is because he wants to reduce the $700 billion of American money we send each year abroad to pay for oil and import that into this country. He has a plan that he thinks can bring that down by about 38 percent.

We all know that, at best, additional supply is a partial answer. That is why we say we need to find more and use less. Conservation is an important part of this, as are things such as biofuels. We know we have challenges dealing with corn ethanol because, frankly, using food for fuel has backfired on us somewhat, causing food prices to go up, and feed for livestock, which has caused grave hardship in my State, which is a huge cattle producer, as well as a poultry producer. It has caused the price of food to go up, so we need to continue to research the use of cellulosic ethanol, which doesn't compete with the food supply for our energy sources.

So far, we have been met with a brick wall from the majority leader when it comes to our attempt to try to find more American oil, as we transition to a clean energy future. What I mean by that is one where we are going to be less and less reliant on oil for our transportation needs, our aviation needs.

Let me mention a couple of examples on the horizon that are very exciting. In 2010, most of the major car manufacturers are going to be producing plug-in hybrid cars, which actually will be running on batteries. You can plug it into the wall socket at night and charge the battery, and it will go 40 or more miles a day before plugging it back in at night. Obviously, that will displace the internal combustion engine and avoid the need to provide oil and gasoline for transportation needs. It is going to take some time to transition as we research things such as hydrogen fuel cells and other alternatives for our basic transportation needs.

I think that holds great promise in the future, as does additional research in things such as coal-to-liquids technology. We have in this country about a 300-year supply of coal. We know that coal has a problem because of pollution. But we have the ingenuity and expertise to be able to use coal—to find a way to use it in a way that will not only provide things such as aviation fuel and transportation fuel, but I believe we can come up with a way to sequester the carbon dioxide byproduct of coal-to-liquids technology in a way that will allow us to displace oil, gas, diesel, and regular aviation fuel from our demand side.

As a matter of fact, the coal-to-liquids technology has existed a long time. Adolf Hitler, back in World War II, when he was worried about getting cut off his supply of oil and gas that was necessary to fuel the Third Reich, developed a coal-to-liquids technology. Today, the Air Force is using coal to liquids to power B–1 bombers and B–52 bombers for aviation fuel. So we know we can rely on good, old-fashioned American research and technology and ingenuity to come up with a way to deal with this problem.

We are not going to get it done until the majority leader allows us the opportunity to debate and vote on this important imperative to develop more American energy here at home. It is not enough to rely on solar and wind. Those are important, but it is not a complete answer. We need—I believe we should insist, and we are—a right to vote on some production in the Outer Continental Shelf, in the oil shale out West, and up in the Arctic.

Frankly, I don't understand the reluctance on the part of the majority leader to allow that vote to go forward. I am encouraged by some indications that there are some negotiations. I hope they are successful. I don't think we should leave here this week for a month-long recess until we have dealt with the single most important problem facing the American people today and our economy, which is high gasoline and high diesel prices. We can have an immediate impact on the futures markets where those contracts for the future delivery of oil and gas are sold if we will act and say that Congress will be part of the solution and not continue to be part of the problem.

Mr. President, may I inquire how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 1 minute 15 seconds.

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

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I remind my good friend from Texas that there are a lot of things he favors and I think we all favor. He mentioned plug-in hybrid automobiles and clean coal technologies, and they are in this bill. Frankly, I believe most Senators want to pass this bill. I urge Senators on both sides to vote for it. We can, frankly, pass it and send it back over to the House and be done with it. The American people want us to pass this legislation.

Mr. President, the great writer William Faulkner said of the artist:

> Only what he creates is important, since there is nothing new to be said.

Writers could say much the same about us. What is important is not what we say, but what we create. What is important here is not the speeches, but the laws that we pass.

Today, we have a chance to do something important. Today, we can choose to legislate.

We can proceed to a bill that addresses what's important. It is a bill about jobs. It is a bill about energy. It is a bill about families.

I am speaking of S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008—what some call the tax extenders bill. Today, we can choose to do something important. We can move to this bill.

This bill would do something to create jobs.

This bill would extend the research and development credit. This credit encourages businesses to invest in research. It helps to keep America competitive in the global economy.

America accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. Relative to the size of our economy, however, America stands in sixth place.

Our R&D tax credit expired on December 31 of last year. American corporations are at a competitive disadvantage. They are unsure if they will be able to obtain the benefit of the credit this year. They need to plan for the future.

About 70 percent of R&D spending goes to salaries. That helps to create jobs. These are jobs that help America stay in the forefront of several global industries.

We can do something today to create high-paying R&D jobs, with this bill.

This bill would also create jobs in infrastructure, by repairing a shortfall in the highway trust fund. The highway trust fund relies on fuel taxes for 90 percent of its revenues. And as fuel prices have risen to record highs, Americans are driving less and buying fewer gallons of gas.

As a result, fuel tax receipts are down sharply. The Department of Transportation reported that Americans drove 9½ billion fewer miles in May than they did a year before. And OMB projects a highway trust fund deficit for 2009 of more than $3 billion.

We have a problem with highway trust fund finances. And that financing problem is a jobs problem.

Failing to fix the highway trust fund's shortfall will cause Federal transportation funding cuts of more than a third. Industry experts have calculated that funding cuts of this magnitude would result in the loss of about 380,000 jobs.

We can do something today to create well-paid infrastructure jobs, with this bill.

This bill would do something about energy.

This bill would take real action to break America's dependence on oil. Gasoline is more than $4 a gallon across the country. Americans want Congress to steer away from foreign oil. They want us to turn toward alternative and renewable energies.

This bill has the right energy incentives to help America to turn the corner. It would support renewable electricity from wind, water, biomass, and other sources. It would boost biodiesel and solar energy. It would reward energy-efficiency, and push for cleaner coal plants.

It would even provide a brand new tax credit for plug-in electric cars, so that Americans could choose vehicles that use less fossil fuel or none at all.

Mr. President, do you know what. If every time a car went up to the gas pump and filled up and the vehicle also had electric power, with a battery in the car, and it would go 50 miles on that electric power, guess what. Crude oil imports in this country would fall by 50 percent—It would be cut in half if every time a car would drive up to the pump and, when it fills up, 50 miles that that car drives is on electric energy—a battery. It would cut oil imports by 50 percent—something as simple as that.

I ask that I be notified 30 seconds before my time expires.

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining now.

Mr. BAUCUS. With gas at $4 a gallon, why would we wait another minute to get these energy technologies moving?

We can do something today to create alternative sources of energy, with this bill.

This bill would do something for American families.

This bill would keep the alternative minimum tax from ensnaring new taxpayers. Without this legislation, 21 million additional taxpayers would have to pay the AMT.

We can do something today to protect families from the AMT, with this bill.

This bill would help teachers who have taken it upon themselves to spend

money from their own pockets on classroom supplies. The average teacher's salary is about $38,000 a year. But in 2005 alone, 3½ million families took the teacher expense deduction.

We can do something today to help teachers' families, with this bill.

This bill would help families with tuition expenses. The average tuition and fees at a 4-year private college in New England is now more than $30,000 a year. Four and a half million families took the qualified tuition deduction in 2005. But the provision expired at the end of 2007.

We can do something today to help families paying for college, with this bill.

This bill would help families with the State and local sales tax deduction. This deduction gives a tax benefit to taxpayers who live in States without an income tax, including Florida, New Hampshire, Nevada, South Dakota, Tennessee, Texas, and Wyoming. In 2005, this deduction benefitted more than 11 million families.

This bill would expand the child tax credit. Current law bars about 6 million working families from receiving any relief under the child tax credit. Families with 10 million children receive a partial credit. With this bill, the families of nearly 3 million more children would be eligible for this tax relief.

We can do something today to help working families with kids, with this bill.

This bill would also help improve health care for countless families dealing with mental illness. It includes the mental-health-parity legislation advanced by Senators TED KENNEDY, PETE DOMENICI, and the late Paul Wellstone.

This bill would require private insurance plans that offer mental health benefits as part of their coverage to offer the same level of benefits as they offer for medical-surgical benefits.

Mental illness is a disease like any other. We should treat it that way. We can do something about it, today.

This bill would provide much-needed relief to families who have suffered from natural disasters. This bill contains a package of disaster relief provisions developed to address all Federally-declared disaster areas with immediate, reliable, and robust tax relief.

We can do something today to help families struck by disasters, with this bill.

I say to my Colleagues: If you want to do something about creating jobs before you go back home, then vote for this bill.

If you want to do something about energy before you go back home, then vote for this bill.

If you want to do something to provide tax relief for American families before you go back home, then vote for this bill.

What's important is not what we say. What is important is the laws that we pass.

Let us pass a law that creates jobs. Let us pass a law that fosters new forms of energy. Let us pass a law that helps the American family.

Today, let us do something important. Today, let us choose to legislate. And today, let us move to this bill.

Mr. President, I ask unanimous consent that a list of supporters of the bill be printed in the RECORD.

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

The following organizations and companies have expressed their support for passage of Baucus-authored tax extenders legislation for jobs, energy, and families.

Agilent Technologies, Inc.; Air Products and Chemicals, Inc.; Alliance for Children & Families WI; American Association of Homes & Services for the Aging DC; American Association of Museums DC; American Bible Society MO; American Farm Bureau Federation; American Foundation for the Blind NY; American Friends Service Committee PA; American Heart Association TX; American Kidney Foundation MD; Americans for the Arts DC; America's Second Harvest IL; American Trucking Associations; Appalachian College; Applied Materials, Inc.; Association for the Blind and Visually Impaired NY; and Avance, Inc TX.

BAE Systems, Inc.; BASF Corporation; Benchmark Asset Managers, LLC; Benedictine Mission House NE; Big Brothers and Big Sisters of America HI; Big Brothers and Big Sisters of America PA; Blue Summit Financial Group; Boston Common Asset Management, LLC; Boy Scouts of America VA; California Public Employees' Retirement System; California State Teachers' Retirement System; California State Controller; California State Treasurer; Camp Fire USA Wathana Council MI; Capricorn Investment Group; Caterpillar Inc; Carbon County Museum Foundation WY; Carroll College MT; Rosalynn Carter; Catholic Youth Organization MI; Cedarhurst Center CA; and Center for Effective Philanthropy MA.

Central Louisiana Community Foundation LA; Christopher Reynolds Foundation; Cisco Systems, Inc.; Cleveland Foundation OH; Colorado Nonprofit Association CO; Community Foundation of St Joseph County IN; Compass Point Nonprofit Services CA; Compton Foundation; Corning-Elmira Musical Arts, Inc NY; Council for Advancement and Support of Education DC; Cumberland Trails United Way KY; Cystic Fibrosis Foundation MD; Deere & Company; Discovery Communications, LLC; DuPont Company; Easter Seals of Arkansas AR; EMC Corporation; F&C Management Ltd.; Falk Foundation PA; Family Means MN; Family Service Inc. Foundation MT; First Baptist Church of Indiana Rocks FL; and First United Methodist Church NM.

Food Bank of Central Louisiana LA; Betty Ford; Fred Hutchinson Cancer Research Center WA; Fulbright Association DC; Generation Investment Management; Grace University NE; Green Century Funds; Habitat for Humanity International GA; Harry Singer Foundation CA; Health Focus of SW Virginia VA; Hewlett-Packard Company; Honeywell International, Inc.; Honored to Serve Inc. AR; Independent Sector DC; Information Technology Industry Council; International Business Machines Corporation; Investment Network on Climate Risk; Johnson & Johnson; KaBOOM! DC; KLD Research and Analytics Inc.; Land Trust Alliance DC; Large Public Power Council; and League of American Orchestras NY.

Lockheed Martin Corporation; Looking for My Sister, Inc MI; LSU Foundation LA; Lutheran Senior Services MO; Lutheran Social Services of North Dakota ND; MMA; Maine Association of Nonprofits ME; Marin Community Foundation CA; Massachusetts State Treasurer; Memorial Home, Inc KS; Michigan Historical Center Foundation MI; Miller/Howard Investments; Minnesota Orchestral Association MN; Missionpoint Capital Partners; Monsanto Company; National Association of Counties; National Committee on Planned Giving IN; National Council of Private Agencies for the Blind & Visually Impaired MO; National Education Association; National Governors Association; National Motorsports Coalition and International Speedway Corporation; Needmor Fund; and New Jersey State Investment Council.

New Jersey Division of Investment; New York City Comptroller; New York State Comptroller; Nonprofit Coordinating Committee of New York, Inc NY; Nonprofit Resource Center LA; North Carolina State Treasurer; Northeastern University MA; Northrop Grumman Corporation; Oregon State Treasurer; Palm, Inc.; Pax World Funds; Pennsylvania Association of Nonprofit Organizations PA; Pennsylvania State Treasurer; Pfizer Inc; Philips Electronics North America; Portfolio Twenty-one Investments; Prairie Public Broadcasting, Inc. ND; Presbyterian Church USA; Progressive Asset Management; Rainbow Kitchen Community Services PA; Raytheon Company; Rhode Island General Treasurer; and Ronald McDonald House—Missoula MT.

Rose Community Foundation CO; S.C. Association of Nonprofit Organizations SC; Santa Clara University CA; SAS; Sentinel Financial Services Company; SME Education Foundation MI; SPCA Tampa Bay FL; Special K Ranch MT; St. Xavier High School KY; Stetson University FL; SUNY College at Oneonta Foundation NY; Texas Children's Hospital TX; The Arts Council of the Southern Finger Lakes NY; The Center for Effective Philanthropy MA; The Fowler Center Inc. MI; The Henry Ford MI; The Hospice Foundation of the Florida Suncoast FL; The Jewish Community Foundation NY; The Leukemia and Lymphoma Society NY; The Mentoring Partnership of SW PA; The Seed Company TX; The Sierra Club Foundation CA; and The Stonewall Community Foundation NY.

Thomas Jefferson University & Hospitals PA; The Timken Company; The Winslow Foundation; Trillium Asset Management Corporation; UJA Federation of NY; Underdog Ventures; United Jewish Communities NY; United Nations Foundation; United Technologies Corp.; United Way of Kentucky KY; United Way of Paducah-McCracken County KY; University of Minnesota Foundation MN; Vermont Community Foundation; Vermont State Treasurer; Volunteers for America—Colorado CO; Waldon Asset Management; Washington State Investment Board; Williamson County Historical Society TX; Winslow Management Company; YMCA of NW Dupage County IL; YMCA of USA IL; Youth Service Bureau of St. Tammany LA; and Building Owners and Managers Association International.

MidAmerican Energy Holdings Company; National Education Association; Puget Sound Energy; New Markets Tax Credit Coalition; The American Federation of Teachers; National Association of Industrial and Office Properties; Xcel Energy, Inc.; National Association of Realtors; USA Biomass Power Alliance; Sierra Club; Solar Energy Industries Association; National Grid; Film and Television Production Alliance; Directors Guild of America; Mesa Power Group, LLC; Portland General Electric; NorthWestern Energy; Avista Corp; Hawaiian Electric Company, Inc; PSEG Corp.; Otter Tail Corporation; Constellation Energy; and Iberdrola Renewables.

PG&E Corporation; International Council of Shopping Centers; International Speedway Corporation; National Motorsports Council; Discovery Communications, LLC; Solar Technologies; Heliotronics, Inc.; Energy Innovations, Inc.; Suntech America; Regrid Power; DuPont; Sunlight Direct; The Stella Group, Ltd; American Solar Electric, Inc.; groSolar; Third Sun Solar and Wind Power, Ltd.; GeoGenix, LLC; Solar Millennium; AIL Research, Inc.; SOLEC; SCHOTT Solar; SunTech Power; and ATAS International Inc.

The Solar Center; Sharp USA; Dow Corning Corporation; Spire; California Solar Energy Industries Association; American Solar Energy Society; The Vote Solar Initiative; MMA; Sanyo Energy Corporation; Sharp Electronics Corp.; Akeena Solar, Inc.; Western Renewables Group; Solar Rating and Certification Corporation; MMA Renewable Ventures; Ausra, Inc.; iEnergies; MegaWatt Solar; Stellaris; Solar Integrated Technologies, Inc.; Evergreen Solar, Inc.; United Solar Ovonic, LLC; Energy Conversion Devices, Inc.; and Blue Sky Energy, Inc.

Solar Alliance; Sunpower Corporation; Trina Solar; Safeway; Minnesota Power; Sierra Pacific Resources; Nevada Power; Sempra Energy; Environment America; Earthjustice; National Tribal Environmental Council; PennFuture; KyotoUSA; Western Organization of Resource Councils; The Wilderness Society; Audubon; Union of Concerned Scientists; Sierra Club; Southern Alliance for Clean Energy; Public Citizen; Greenpeace; Chesapeake Climate Action Network; and Natural Resources Defense Council.

National Wildlife Federation; American Express Company; Citigroup Inc.; The Coca Cola Company; The Dow Chemical Company; Genworth Financial; Hewlett-Packard Company; Intel Corporation; International Business Machines Corporation; International Paper; Johnson & Johnson; Monsanto; Oracle; PepsiCo Inc.; Pfizer Inc.; Proctor & Gamble; Texas Instruments, Inc.; Tupperware Brands Corporation; and United Technologies Corporation.

Mr. DURBIN. Mr. President, the Free Flow of Information Act is a bipartisan bill that goes a long way towards protecting the freedom of the press and the public's right to information without compromising national security or the work of law enforcement. It strikes the right balance between these competing priorities, and it deserves this body's support. I want to commend Senator SPECTER and Senator SCHUMER, the authors of this legislation, which I am proud to cosponsor.

During the last 30 years, many of our most important news stories were revealed to us by reporters who obtained their information from confidential sources. Often, these stories exposed government and corporate waste, fraud and abuse. Let me give you a few examples of what these confidential sources enabled journalists to report to the public: the President's warrantless surveillance program; the unsafe and deteriorating conditions at Walter Reed Army Medical Center; the treatment of Iraqi prisoners at Abu Ghraib; the Enron accounting fraud scandal; the rampant abuse of steroids in major league baseball; and the government's misleading statements to the American people about the Vietnam war, as documented in the Pentagon Papers.

These and other major stories led to important reforms in the government and in industry. If confidential sources had not trusted reporters and come forward with this information, these stories would not have come to light when they did. We are a better and stronger country because of these stories.

Unfortunately, the relationship of trust between reporters and confidential sources has come under attack since September 11.

Increasingly, Federal prosecutors, special prosecutors and civil litigants are issuing subpoenas to reporters for their confidential sources.

In the last 4 years alone, journalists have received at least 35 Federal subpoenas for confidential information. During this period, Federal courts have held 13 journalists in contempt for refusing to disclose their confidential sources.

Since 2000, four journalists—Judith Miller, Jim Taricani, Josh Wolf and Vanessa Leggett—have been imprisoned for 19 months in total for refusing to disclose their confidential sources.

Earlier this year, a Federal judge ordered a reporter to disclose a confidential source and threatened her with fines of $5,000 per day if she did not.

This has created a chilling effect on the flow of information between confidential sources and reporters.

The media shield bill would address this problem by creating a Federal qualified privilege for communications between confidential sources and reporters.

It allows the government and private litigants to compel the disclosure of confidential information only if they persuade a Federal judge that: they have exhausted the alternative sources of that information; the information is essential to their case; and nondisclosure would on balance be contrary to the public interest.

The bill makes it easier for the government to overcome the privilege in criminal cases.

It also creates sensible exceptions that ensure that this qualified privilege does not compromise national security or the work of law enforcement agencies. In particular, the privilege does not apply to: confidential information that relates to criminal conduct by a journalist; confidential information that is necessary to stop or prevent an act of terrorism, death or substantial bodily harm, a kidnapping, or an act that involves child pornography or the sexual exploitation of a child; or confidential information that would harm national security.

The qualified privilege and the exceptions for national security and law enforcement concerns reflect the serious and careful effort by Senators SPECTER and SCHUMER to take into account the perspectives of journalists on the one hand and law enforcement on the other. The product is a bill that strikes the right balance.

I am pleased that the managers' amendment includes language that I authored on who should be protected by the privilege. In the fast-changing media world, the notion of who qualifies as a journalist is evolving quickly. Journalists are no longer just the reporters who work for newspapers, magazines or television or radio stations. It is increasingly common for Internet bloggers and citizen-journalists to report breaking news stories that shape our Nation's most important debates. However, not everyone with a laptop and an internet connection should be protected by the important privilege created by this bill.

The privilege will now apply to reporters who are regularly engaged in investigative journalism. It will protect reporters who are in a position to develop and rely on confidential sources for their stories, whether they report in the television, radio, print or online world.

Specifically, it will cover journalists who regularly: report on local, national or international events of public importance; do the things that constitute good investigative journalism, meaning conducting interviews, collecting information and making observations on the scene of an event, or collecting original documents and statements; and collect this information for the purpose of bringing it to the public's attention.

This definition, like the rest of the bill, protects the relationship between reporters and confidential sources, but ensures that Federal agencies are able to get the information they need to prevent harm to national security and advance urgent law enforcement investigations. In short, it strikes the right balance between journalistic integrity and the public's right to seek justice.

Forty-nine States and the District of Columbia give journalists at least a partial shield against compulsory disclosures. This bill fills the gap at the federal level and gives investigative journalists a qualified shield in federal court. I am proud to be a cosponsor of this legislation and urge my colleagues to support it.

Mr. DODD. Mr. President, I rise in support of the Free Flow of Information Act. This bill would protect journalists from being forced to reveal their confidential sources not as an end in itself but as a means to a well-informed public.

I applaud the tireless efforts of those who have made this possible, including our colleagues in the other body who have shown their strong commitment to this issue. As far back as 2004, I introduced similar legislation which was called the Free Speech Protection Act. Since that time, I have worked closely with the senior Senator from Indiana, Mr. LUGAR, and earlier this Congress we introduced legislation that would have provided more protection to journalists. Companion legislation passed the House 398 to 21.

I was also pleased to cosponsor Senators SPECTER and SCHUMER's legislation, which passed the Judiciary Committee earlier this Congress. Over the last several months, we have worked to

bring this important issue to the attention of Congress and the Nation.

And while this bill does not include everything I had hoped for, I recognize that in this body, we do not get to write or pass these bills by ourselves. We have to reach out and work together that is how we advance or in this case protect our more cherished principles. I thank both of my colleagues for their diligence and commitment to the first amendment.

Indeed, though I recognize this fight will not likely be over today, in the 4 years we have been working together on this legislation, we are closer than ever to acting on this bill.

I hardly have to recite the litany of abuses that have been exposed because journalists called the powerful to account nor must I remind my colleagues how many of those exposures relied on confidential sources.

Without confidential sources, would we still know about the abuse of power in the Watergate era?

Without confidential sources, would Enron still be profiting from defrauding its investors?

How long would torture at Abu Ghraib have persisted, if proof of these abhorrent crimes had not been provided to the press?

The most meaningful check on abuses such as these is the free flow of information. Thomas Jefferson said it best: If I had to make a choice, to choose the government without the press or to have the press but without the government, I will select the latter without hesitation. Jefferson clearly understood that a free government cannot possibly last in the absence of a free press.

But today, we find this cornerstone of self-governance facing a new threat—one that comes not from the dictates of a dangerous government, but for the best of intentions.

As we have heard time and again in recent years, in a spate of cases, prosecutors have used subpoenas, fines, and jail time to compel journalists to reveal their anonymous sources.

Judith Miller of the New York Times was famously jailed for 85 days for refusing to reveal a source.

Two San Francisco Chronicle reporters were found in contempt of court for refusing to identify sources and hand over material related to the BALCO steroids investigation.

A Rhode Island journalist was sentenced to home arrest on similar charges.

In 2005, some two dozen reporters were subpoenaed or questioned about confidential sources.

Their offense, Mr. President? Journalism.

As one prominent magazine editor told Congress because of what has happened: ''Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious.''

Experience has shown us that the most effective constraint on free speech need not be blatant censorship. It only takes a few cases like Ms. Miller's and the San Francisco Chronicle's before the news begins censoring itself. We can only speculate as to how many editors and publishers put the brakes on a story out of fear that one of their reporters could be caught in a spider web of subpoenas, charges of contempt, and prison.

When we minimize the impact of confidential sources, serious journalism is crippled. We will find our papers full of stories more and more palatable to the powerful and secretive. No one argues that that is the intention of those prosecuting these cases I think prosecutors simply want to do their jobs. But few deny that it could, in time, be the effect.

When journalists are hauled into court and threatened with imprisonment if they don't divulge their sources, we enter dangerous territory for a democracy. The information we need to remain sovereign will be tarnished and the public's right to know will be threatened. And I would submit to you that the liberties we hold dear will be threatened as well.

That is exactly why we need a Federal reporter shield. Forty-nine States as well as the District of Columbia have already adopted shield laws or other legal protections for reporters trying to safeguard their sources. The Free Flow of Information Act simply extends that widely recognized protection to the federal courts.

This bill will allow journalists the opportunity to argue before a court that they should not have to reveal sources and this can include bloggers. This is an important step the Federal Government can take to ensure that the free flow of information is protected.

That is why I have such a difficult time understanding our Director of National Intelligence's recent comments regarding this bill. In an opinion piece in USA Today earlier this week, Admiral McConnell writes:

> The intelligence community recognizes the critical role that the news media plays in our democratic society. However, this bill would upset the balance established by current law, crippling the government's ability to investigate and prosecute those who harm national security.

I find that very hard to believe. Every time the Congress seeks to balance the need for security with our rights as Americans, this administration says ''we can't have both—it's one or the other. You either can be safe or give up rights.''

As I have said before—it is a false choice.

And it is a mischaracterization of what this bill does. The reporter shield is not absolute—nor should it be. The public's need to know must and will be weighed against other goods, which is precisely why the bill establishes a balancing test that will weigh the Government's interest in disclosure and the public interest in gathering news and maintaining the free flow of information.

In other words, we are balancing our right to know with our need for security, whether physical or economic.

This bill makes clear that secrecy is as necessary in extreme circumstances as it is dangerous on the whole.

Ultimately, it comes down to what makes us most secure in the long run. As men and women on both sides of the aisle understand, a prosecution, whatever its individual merits, sacrifices something higher when it turns on reporters—and so those merits must be balanced against the broader harms such a prosecution can work.

If a free press inexorably creates a free government, as Jefferson suggested, then the agents of that free government—prosecutors included—owe a high debt to journalism. When prosecutors threaten journalism, they have begun to renege on that debt.

So, Mr. President, I am proud to support this valuable legislation—it is a critical first step toward rebalancing the pursuit of justice and the diffusion of truth. I thank my colleagues again for their leadership.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 1 minute 10 seconds.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have 2 minutes 10 seconds.

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

Mr. GRASSLEY. The American people rightly wonder why these popular expiring tax relief provisions can't be passed by the Senate on their merits alone. Why can't we get there and ''get 'er done''? Part of the problem is that the committee and floor process have been disregarded by the Senate Democratic leadership. The debate and exchange of ideas, which is the essence of the Senate, has been bottled up. The Senate process is being truncated.

For the first time in this decade, since 2001, the Finance Committee members have not been allowed to exercise their right in committee markup with respect to these issues. With one exception—the 2002 stimulus bill—for the first time in this decade, Senate Members have not had the opportunity to debate and amend the extenders in a real Senate floor process. For the first time in this decade, Senators in the minority are being presented with a top-down deal, crafted in the dark corners of Democratic leaders' offices of the House and Senate.

The irony of all of this is compelling. Almost 2 years ago today, we faced an attempt to end run the natural order of the committee and floor process by the bicameral Republican leadership of the House and Senate. I referred to it at that time as a wrongheaded effort that was doomed to fail—even when it came

from my own party. It envisioned a unicameral tax writing committee that ignored the rights and privileges of Members of both parties. I used sharp words and directed them at my side's leadership in the House and Senate. I am sure some on my side thought I had gone a bit overboard in criticizing the Republican leadership at that time.

Then the Health, Education, Labor and Pensions chairman, Senator ENZI, stood with me. Some of my friends on the Democratic side spoke up about the harm the leadership was doing to the rights of the Members of the Senate.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. May I have 1 more minute?

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

Mr. GRASSLEY. Ironically, today we find the Democratic leadership attempting to do much the same thing. Like the failed trifecta jam to which I referred, today's jam will not work.

It is part of a larger problem with the Senate because we are not going through the regular order at the committee and the floor level. Issues are building up, tempers are flaring, and, most importantly, nothing is getting done. The Senate is constipated. This legislative body needs a function, a laxative. Legislation needs to circulate through this body in the usual form like food through your body. We need real debate, real amendments, and we need an informal bipartisan process that leads to an agreement that can pass the House and the Senate.

I have my pencil sharpened, my notepad out. I am ready to engage in our usual bipartisan process with my Democratic friend, Chairman BAUCUS. I am hopeful that the Democratic leadership will relieve the constipation on the tax extenders legislation. The Finance Committee and the Senate need to function just like our intestinal system functions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, voting for cloture on this bill will take us off the single most important issue in America. The American people are clamoring for legislation that will bring down the price of gas at the pump. They expect their representatives in Washington to do something about this crisis and to do something about this crisis right now.

Unfortunately, the Democratic leadership has already tried to take us off the subject, to take us away from this issue a full four times in the last 5 days. About 8 in 10 Americans disagree with them. Eight out of ten Americans disagree with the decision to try to move us off legislation dealing with the No. 1 issue in America. The American people think $4-a-gallon gasoline is a crisis that ought to be dealt with now; not in September, now. Dealing with this issue should not have to wait until even next year, as some have suggested. The high price of gas at the pump is the most important domestic issue in America. I am not even sure at this point what is in second place, but we all know what is in first place.

I will vote that we stay on the Energy bill, and we ought to stay on it until we get a solution for the American people. I urge my colleagues to vote against moving off the subject of lowering the price of gas at the pump. Let's finish the job. This is only July. We have plenty of time left this year to do other things that are confronting our country. But let's focus on the No. 1 issue confronting the American people: the price of gas at the pump. The way to do that is to stay on the subject and vote to stay on the subject, vote to avoid going to some other issue. While it may be important, it is not as important as this one.

Mr. President, I reserve the remainder of our time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Parliamentary inquiry, Mr. President: How much time is reserved for the Senator from Vermont?

The ACTING PRESIDENT pro tempore. Ten minutes has been reserved.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, I said on the Senate floor yesterday that I support the Free Flow of Information Act, S. 2035. Senator SPECTER, the distinguished ranking member of the Judiciary Committee, was exactly right when he said in his remarks last night that ''this bill is long past due.'' After months and months of needless delay by the Senate minority, I hope we will finally be permitted to consider this important legislative effort this morning. This is legislation that passed overwhelmingly in the other body. If the Republicans would allow it, it would pass overwhelmingly in this body.

The Senate minority's delay tactics are nothing new. Since the beginning of this Congress, we have witnessed all manner of obstructionism by a minority of Republican Senators using filibuster after filibuster, the most ever in the history of this country for that period of time. They use these filibusters to thwart the will of the majority of the Senate to conduct the business of the American people.

Republican filibusters prevented Senate majorities from passing the climate change bill. Republicans blocked us from passing the Employee Free Choice Act. Republicans blocked the Lilly Ledbetter Fair Pay Act. Republicans blocked the DC Voting Rights Act. Republicans blocked the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007. Republicans blocked the Renewable Energy and Job Creation Act of 2008. Republicans blocked the Medicare Improvements for Patients and Providers Act of 2008. Republicans blocked the Consumer-First Energy Act. Most recently, Republicans blocked the Warm in Winter and Cool in Summer Act. That was designed to bring much needed relief to poor families who struggle to heat and cool their homes in times of soaring gas prices, matters that have become literally life or death for some of these people.

Republican filibusters blocked the Advancing American's Priorities Act which includes 35 stalled legislative matters including—and these were blocked by the Republicans—the Emmett Till Unsolved Civil Rights Crime Act, the Runaway and Homeless Youth Act, and Republicans blocked several bills to help law enforcement cope with mentally ill offenders and to protect our children from the scourge of drugs, child pornography, and child exploitation. Republicans blocked all those bills. It would be a lot more if we also list all those bills President Bush has vetoed since the beginning of this Congress.

Here are the measures blocked by the Republicans and the President: legislation to fund stem cell research and fight deadly and debilitating diseases. Republicans blocked to extend and expand the successful State Children's Health Insurance Program. Republicans blocked a program that would have provided health insurance to more of the millions of American children without it. They blocked setting a timetable for bringing American troops home from Iraq. They blocked an attempt to ban waterboarding and help restore America as a beacon for the rule of law.

The Free Flow of Information Act should not be added to the long list of legislative victims of Republican obstructionism. It is time for Senate Republicans to climb down from the barricades and work with us to improve the lives of the American people.

Time is running short in this Congress. It is past time to end the partisan gamesmanship and to make progress. That is what I have been trying to do throughout this Congress. I hope, after 18 months of unnecessary obstruction, all Senators are finally ready to join us in getting our work done. We have a historic window of opportunity to enact a Federal statutory shield law to protect Americans' right to know.

I thank Majority Leader REID for his willingness to bring the matter before the Senate. I worked with him to find an opportunity for Senate action since the Judiciary Committee reported this bill last October, and I appreciate his support.

Senator SPECTER and I wrote to him and the Republican leader in March urging consideration of this bipartisan measure. Before that, I had written and spoken with the majority leader about this legislation.

Our bill has 20 Senate cosponsors. The claim made yesterday by a Republican Senator that this bill is not ready for the Senate's consideration is simply unfounded. The Judiciary Committee has been working on a bipartisan basis for the past year to reach

consensus on Federal shield legislation. In addition, the Judiciary Committee held three separate hearings on this bill during the 109th Congress. I hope that the Republican cosponsors of this bill will join us in moving to the bill and that they will bring along the seven or eight Republicans needed to defeat another Republican filibuster and allow us to make progress.

A free and vibrant press is essential to a free society in our country or any country. That has been demonstrated over and over again during the past 8 years. That is why I cosponsored the Senate version of this bill and worked hard for a meaningful reporters' shield law this year. That is why I made sure that for the first time ever, for the first time in history, the Senate Judiciary Committee reported a media shield law to protect the public's right to know. I was glad to see that this bill was favorably reported by a strong bipartisan 15-to-4 vote.

I thank the leaders in the Senate who worked hard on the Federal reporters' shield law—Senators SCHUMER, SPECTER, DODD, and LUGAR as well as the dozens of media groups that support this measure.

All of us, whether Republican, Democratic, or Independent, have an interest in enacting a balanced and meaningful shield bill to ensure the free flow of information to the American people. Forty-nine States and the District of Columbia currently have codified or common law procedures to protect confidential information sources. But even with these State law protections, the press remains the first stop, rather than the stop of last resort, for our government and private litigants when it comes to seeking information.

Our time to act is now. Our opportunity to act is now. The Washington Times editorialized on July 25, ''[a] sound shield law guards not 'the media' but something much more vital—the public's right to know.''

I urge that all Senators do the right thing and end this unnecessary and counterproductive filibuster.

I ask unanimous consent to have printed in the RECORD the Washington Times editorial in support of this bill.

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

[From the Washington Times, July 25, 2008]

THE RIGHT TO KNOW

The great swinging pendulum of press liberty and government secrecy has lurched too far in one direction. It is time for a correction. Congress should pass and President Bush should sign a reasonable, measured shield law to push the pendulum back in the direction of the First Amendment and the legitimate powers of the Fourth Estate.

A sound shield law guards not ''the media'' but something much more vital—the public's right to know. Guarding that right often requires confidential sources deep inside government. A measured law would not shield sources who perpetrate demonstrable and articulable harm to the country's national-security interests. But it would rightly shield most others. Such a bill awaits Senate action now. It should be passed.

We endorse the Free Flow of Information Act in full knowledge of the genuine conflicts between national security and press freedoms in the toughest cases. We are also among the first to note it when media outlets abuse their privileges. We regarded the New York Times revelation of federal terrorist surveillance, for instance, as a wanton act of damage to a vital and completely legal national security program. But no realist and no proponent of limited government can watch the epidemic of American journalists subpoenaed, questioned, held in contempt or jailed—more than 40 in recent years—without wondering when the slow march of the Fourth Estate into an investigative arm of government reaches its ugly apotheosis. It is possible to have both liberty and security—indeed, that is the American way. Part of the answer lies in assuring sources who risk all to convey information vital to the public interest that the newsman who offers confidentiality will not be forced to divulge—unless a high crime with real national-security import has been committed.

The simple, constitutionalist reading of the First Amendment—''Congress shall make no law . . . abridging the freedom of speech, or of the press''—does not countenance the stripping of the core functions of the free press. It must end.

Yesterday, reporter Bill Gertz of The Washington Times appeared before a federal judge in California expecting to face questions he should not have to answer. U.S. District Judge Cormac Carney, a Bush appointee, declined to force Mr. Gertz to divulge his sources in a 2–year-old Chinese espionage story. ''Today's ruling is an important victory for our entire industry, the first in a long time to recognize a reporter's rights to keep confidential sources,'' said Executive Editor John Solomon. Press reports had indicated an intent to probe Mr. Gertz on the notoriously amorphous subject of newsworthiness. The subtext: What details of the story did Mr. Gertz consider newsworthy, and when did he consider them? On sources' identities: What promises of confidentiality did he make, and why did he make them? This would have been extremely chilling.

The truth is that not all classified information is created equally. We live in an era of gross overclassification of government data—much of which belongs rightfully to the public but is kept secret for reasons of bureaucracy, territoriality, undue risk aversion or sheer inertia. Responsible media outlets can—and do—exercise discretion. More than three-quarters of the nation's attorneys general have called for the passage of a federal shield law. Attorney General Michael Mukasey opposes it on national security grounds. Mr. Bush has previously threatened a veto. It is time to let this pendulum swing back.

Mr. LEAHY. Mr. President, we have found, especially in this administration, time and again that when crimes have been committed, when scandals have erupted, it is not because the Congress found them out, it is because the press found them out.

Abu Ghraib, one of the worst scandals in the history of this country, something that hurt us throughout the world—we didn't find out about it because questions were asked in this body or the other body; we found out because the press found it out. We found out through the press and subsequently through our own investigations the scandals of politicizing law enforcement by this administration through the prosecutors' offices.

If we do not have the ability for our press to seek out these things, then we are all hurt. Any administration, Republican or Democratic, is going to be perfectly willing to give us all the press releases in the world saying all the wonderful things they have done. What I have found—and I have been through six administrations—is that they rarely want to talk about when they make a mistake. That is what we need a free press for.

My parents had a small newspaper in Waterbury, VT. I grew up in a family who revered the first amendment, revered it for the right to know, for the public's right to know. What has set this Nation apart from virtually any other nation on Earth is that our press is free, our press is open, our press can ask questions, and our press can point out mistakes—whether it is mistakes of Members of Congress or mistakes of the administration.

We need this shield law. Let's not use any more excuses for one more filibuster. If you really believe in having the shield law, vote for it. If you are against it, vote against it. But don't hide behind some parliamentary maneuver of a filibuster.

Mr. President, I reserve the remainder of my time.

Mr. SPECTER. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SPECTER. How much time remains on this side of the aisle?

The ACTING PRESIDENT pro tempore. There is 7 minutes 47 seconds remaining.

Mr. SPECTER. Mr. President, I ask for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am using this time even though my position differs from what I believe will be the Republican caucus position, and I have asked for only 3 minutes. I will support cloture on this issue because I am a prime sponsor of the bill. I do not like displacing the pending legislation on the oil speculators bill, but I believe if we are to move forward on that measure, we will do so in any event regardless of what happens here.

I have supported the Republican caucus position in opposing advancing legislation where we have been denied the opportunity to offer amendments, but that is not an issue on a motion to proceed.

I believe this bill is of enormous importance, and if we do not act on it now, it will not be acted on for the balance of the Congress, and who knows what will happen next year.

I spoke at length on the merits of this subject yesterday, and the essence of my position is that reporters have been intimidated—a chilling effect—by the subpoenas which have been issued. The record shows a tremendous number of subpoenas have been issued, and

there have been incarcerations of reporters. I will put in the record the details of one of those involved, Judith Miller of the New York Times, who spent 85 days in jail and whom I personally visited.

There is no doubt about the extremely high value in our society of a free press and an investigative press for the disclosure of corruption, malfeasance, and wrongdoing at all levels in public life and in private life. I think Jefferson expressed it best when he said if he had to choose between government without newspapers or newspapers without government, he would choose newspapers without government. So I believe this is a very important matter to go forward.

I didn't want to use time on Senator MCCONNELL's watch, if anybody objected to it, but there is no other Republican on the floor, and I have used only 3 minutes, leaving the remaining 4 minutes and some seconds to anybody else who chooses to speak.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand there are no further Republican speakers, so I yield back the remainder of our time.

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

The majority leader.

Mr. REID. Mr. President, have the Republicans yielded back their time?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, not long ago I had a meeting with representatives from the San Francisco Chronicle. Among those at the meeting was a sportswriter named Lance Williams. Lance Williams covered football games and baseball games and basketball games. Some of them were high school level. He was not an investigative reporter. But one day this young reporter was contacted by a man who said: I can give you one of the biggest stories this country has seen in a long time, but you have to give me your word that you are not going to give them my name. I can give you a lot of places to go, I can even give you some grand jury testimony, but you have to protect me because I could be in danger, my physical well-being.

So Lance Williams talked to his people at the paper, his bosses, because that was his obligation, and overnight Lance Williams became an investigative reporter, not a sports reporter. In his investigation he found that these leads took him down a very disturbing road, a road that ended with evidence and a book that was published, ''The Game of Shadows,'' which exposed the rampant use of steroids in sports that we now know so much about, including such sports names as Barry Bonds.

After he released this information, he was subpoenaed by the Government to release the identity of his informant who had leaked to him a lot of things, including, as I mentioned, grand jury testimony. Well, this was an interesting day for him because Lance had never been in a predicament like this before. Again, as I said, he had covered ball games. Nothing like this before. He suddenly was faced with the knowledge that he may have to go to jail for stories he had written and information he had released. But he decided not to release the name. He thought it was the right thing to do. He had given his word. He said he would sooner go to prison than release the name of that confidential informant.

On the same day I met him, I met with his lawyer, the lawyer for the San Francisco Chronicle. The lawyer told me that although the Lance Williams controversy had been the most famous in recent cases she had dealt with, in the last 3 years that newspaper had been served with 207 subpoenas by Federal, State, and local prosecutors requiring confidential information about sources. That uncertainty—207 subpoenas to the Hearst Communications Company—puts the media in a very difficult position and places a burden on them and reduces the likelihood that whistleblowers will come forward with information.

Forty-nine States and the District of Columbia already have laws to protect the relationship between journalists and their sources, so it is long past the age when the Federal Government should follow suit.

The first amendment we have in our constitution, the right to a free press, a press able to pursue charges of wrongdoing in our government and society and basically to write whatever they want to write, is a critical pillar of our democracy. The first amendment separates us from other nations and governments. The State attorneys general of 41 States called upon Congress to pass a national media shield law, and today we have the opportunity to proceed to act in that regard by voting to proceed to the Free Flow of Information Act.

Mr. President, the National Association of Attorneys General sent a letter, which says, among other things, in the last paragraph:

By exposing confidences protected under State law to discovery in Federal courts, the lack of a corresponding Federal reporter's privilege law frustrates the purposes of the State recognized privileges and undercuts the benefit to the public that the States have sought to bestow through their shield laws. As the States' chief legal officers, attorneys general have had significant experience with the operation of these State law privileges; that experience demonstrates that recognition of such a privilege does not unduly impair the task of law enforcement or unnecessarily interfere with the truth-seeking function of the courts. The sponsors of S. 2035 have sensibly sought to strike a reasonable balance between these important interests, as the States have done, and we are confident that the legitimate concerns for national security and law enforcement can be addressed in the court procedures for evaluating a claim of privilege. We urge you to support the Flee Flow of Information Act.

Mr. President, I ask unanimous consent to have printed in the RECORD the full content of the letter from which I have just quoted.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
*Washington, DC, June 23, 2008.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: We, the undersigned Attorneys General, write to express our support for the Free Flow of Information Act (S. 2035). The proposed legislation would recognize a qualified reporter's privilege, bringing federal law in line with the laws of 49 states and the District of Columbia, which already recognize such a privilege. The Senate Judiciary Committee reported S. 2035 favorably on October 4, 2007, by a vote of 15–4. The House passed a similar reporter's privilege bill, H.R. 2102, by a vote of 398–21.

Justice Brandeis famously referred to the important function the states perform in our federal system as laboratories for democracy, testing policy innovations. See *New State Ice Co.* v. *Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting). Reporter shield laws, which have been adopted—through either legislation or judicial decision—by every state but one, must now be viewed as a policy experiment that has been thoroughly validated through successful implementation at the state level.

The reporter's privilege that is recognized by the laws of 50 United States jurisdictions rests on a determination that an informed citizenry and the preservation of news information sources are vitally important to a free society. By affording some degree of protection against the compelled disclosure of a reporter's confidential sources, these state laws advance a public policy favoring the free flow of information to the public. An overwhelming consensus has developed among the states in support of this public policy, and United States Justice Department guidelines, on which the current legislation is largely modeled, likewise recognize the interest in protecting the news media from civil or criminal compulsory process that might impair the news gathering function. Nevertheless, the federal courts are divided on the existence and scope of a reporter's privilege, producing inconsistency and uncertainty for reporters and the confidential sources upon whom they rely.

By exposing confidences protected under state law to discovery in federal courts, the lack of a corresponding federal reporter's privilege law frustrates the purposes of the state-recognized privileges and undercuts the benefit to the public that the states have sought to bestow through their shield laws. As the states' chief legal officers, Attorneys General have had significant experience with the operation of these state-law privileges; that experience demonstrates that recognition of such a privilege does not unduly impair the task of law enforcement or unnecessarily interfere with the truth-seeking function of the courts. The sponsors of S. 2035 have sensibly sought to strike a reasonable balance between these important interests, as the states have done, and we are confident that the legitimate concerns for national security and law enforcement can be addressed in the court procedures for evaluating a claim of privilege.

We urge you to support the Free Flow of Information Act and to enact legislation

harmonizing federal law with state law on this important subject.

Thank you for your consideration of our views.

Sincerely,

Douglas Gansler, Attorney General of Maryland; Rob McKenna, Attorney General of Washington; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown Jr., Attorney General of California; John Suthers, Attorney General of Colorado; Richard Blumenthal, Attorney General of Connecticut; Joseph R. Biden III, Attorney General of Delaware; Bill McCollum, Attorney General of Florida; Thurbert E. Baker, Attorney General of Georgia.

Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Tom Miller, Attorney General of Iowa; Stephen N. Six, Attorney General of Kansas; Jack Conway, Attorney General of Kentucky; James D. ''Buddy'' Caldwell, Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Michael Cox, Attorney General of Michigan.

Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Jon Bruning, Attorney General of Nebraska; Catherine Cortez Masto, Attorney General of Nevada; Kelly A. Ayotte, Attorney General of New Hampshire; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Roy Cooper, Attorney General of North Carolina.

Wayne Stenehjem, Attorney General of North Dakota; Nancy Hardin Rogers, Attorney General of Ohio; W. A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Henry McMaster, Attorney General of South Carolina; Lawrence E. Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Darrell V. McGraw Jr., Attorney General of West Virginia.

Mr. REID. Mr. President, for all of those who are, as I am, concerned with providing law enforcement with the tools they need to keep us safe, it is important to note that this legislation strikes the appropriate balance between the public's right to know and law enforcement's need for information. It is based largely upon existing internal Department of Justice guidelines and provides for a qualified privilege for journalists who are subpoenaed to testify about their confidential sources, unless the government can show there is no reasonable alternative source of the information and the information is critical to the case.

This legislation includes exceptions for harm to national security, acts of terrorism, death, kidnapping, or other bodily harm. This is a balanced piece of legislation, and it carefully considers the needs of the media and law enforcement. It is bipartisan and provides what both sides want most of all: clear guidelines and certainty.

In doing so, it offers us the opportunity to strengthen our public safety and national security while firmly defending the right to a free and open press.

TAX EXTENDERS

Mr. President, we have heard Republicans expend a tremendous amount of words and energy talking about energy. Today, Democrats offer them yet another chance to stop the talking and actually do something to solve the problem. We have already offered Senate Republicans three opportunities to pass the so-called tax extenders. Today, they have a fourth opportunity.

This tax extender legislation provides tax incentives to private sector innovators who are discovering new ways to harness the power of the wind, the Sun, geothermal, and other sources of clean renewable energy all over America—from the State of Nebraska, the State of Nevada, and other places around the country.

I see the Senator from the State of Texas, where T. Boone Pickens is a resident. He is moving forward big time on alternative energy. But the people who are doing the big projects in Nebraska and in Nevada need tax credits. It is important. It is part of the process.

Mr. President, this is something we need to do. This tax extender legislation provides tax incentives that are so very important. If they succeed, these innovators—and with our help they will—immediately we will find the creation of hundreds of thousands of jobs—not tens of thousands but hundreds of thousands of jobs, real jobs, high-paying jobs, construction jobs. It will be good for the economy and it will be good for the environment. These are American jobs. These are jobs you can't take overseas.

Chairman BAUCUS has done a tremendous job with this legislation. If anyone in this Senate knows how to bring all sides to the table and bring common ground, MAX BAUCUS does, and this bill is no exception. Having heard Republican criticism of the previous version of the tax extender legislation, Chairman BAUCUS set out to make this bill be one that would satisfy a significant number of Senators. Not only did Chairman BAUCUS address previous Republican concerns about the tax extender package, this new legislation also does other things that are very important.

For example, there are provisions which will provide for much needed assistance not only to flood victims in the Midwest but also victims of natural disasters in Nevada, Kentucky, Georgia, Tennessee, Colorado, Mississippi, and a significant number of other States.

This bill also transfers funds to the highway trust fund, which, in street parlance, is upside down. It is out of money. There is a projected shortfall of $3 billion next year. This proposal is overwhelmingly supported on a bipartisan basis and passed the House by a vote of 387 to 37.

Also in this legislation is something that is long overdue. Paul Wellstone was a great Senator, and his No. 1 issue was mental health parity. He believed people who are sick emotionally or mentally deserve the same attention as people who are sick physically. He worked with Senators DOMENICI, KENNEDY, and others to get this passed.

Unfortunately, Paul was killed in a plane crash, but now is the time to move forward on this legislation. This simply says that mental health is considered just as serious and legitimate a medical concern as physical health, and those who suffer should receive equal access to the health care they need to get well.

We have made some compromises in the current version of the legislation that we would rather not have made, but we made them in an effort to pick up help from the other side of the aisle. We did so because we understand that compromise is essential to legislate, and we acted in good faith in responding to Republican concerns. I hope our Republican colleagues will see this—as we do—as an opportunity for a bipartisan solution to the energy crisis.

This is just one piece of the puzzle, but it is an important piece, the most important piece, and one that can make a difference in energy prices now—immediately. So we hope Republicans will decide to take yes for an answer.

Legislating requires the participation and cooperation of both sides of the aisle. We can't do this by ourselves. Surely the American people are tired of Republicans delaying and rejecting every effort Democrats make to solve our Nation's problems. We don't need every Republican to agree. Perhaps today is the day that we will get enough Republicans to reject the politics of delay and inaction and embrace the path of progress.

Mr. President, if Republicans don't vote to move forward on this legislation, we will continue to be on the motion to proceed to this legislation—the tax extenders. We are not going to be in a position to legislate anymore, it appears, on the speculation bill. That is too bad. I spoke with the president, as I have said on the Senate floor on a number of occasions, of United Airlines, and he is convinced the price of oil has gone down because we are talking about speculation.

So it appears that the Republicans have rejected our offers to do something on the tax extenders package that we have just talked about. The Republican leader said: Have Senator BAUCUS deal with Senator GRASSLEY and compromise. Well, that was a total waste of time because, again, all the Republicans want to do is not pay for anything, and we know the House will not accept that—and rightfully so. This is really unfortunate. So we are going to be on this matter to proceed to the tax extenders.

We are willing to complete the most important legislation. The Consumer Product Safety conference report has been completed. The higher education conference report has been completed. We will be happy to work with that. It should take a short period of time. We hope we would not have to have cloture on those but around here it appears, with 90 filibusters, they may even filibuster something that has overwhelming bipartisan support again.

We are also, before we leave here, going to have a vote on a motion to proceed to the Defense Authorization bill that Senators WARNER and LEVIN have worked so hard on.

If the Republicans decide they want to negotiate in good faith on this matter that is before the Senate and this does not pass, that is the extenders, Senator BAUCUS is standing by ready to do that—but it has to be in good faith. It has to be in an effort to get something accomplished, not to say we want to pay for nothing, more red ink, more red ink. We know the deficit now is approaching half a trillion dollars this year because of the programs we have seen President Bush initiate and not initiate.

We are willing to move forward on these tax extenders. We think the matter should be paid for, as does the House. We have a letter signed by 220-odd House Members saying don't bother to send anything back that is not paid for. We will not pass it.

We have tried to be as reasonable as we can be. We hope the Republicans will join with us and move forward on energy legislation, that is the tax extenders, that will actually help the country.

UNANIMOUS-CONSENT REQUEST—S. 3268

Mr. REID. Mr. President, I ask unanimous consent that S. 3268, energy speculation, not be displaced and that it remain the pending business notwithstanding the Senate adopting the motion to proceed to a calendar item.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Mr. CORNYN. Mr. President, reserving right to object, this side of the aisle believes we need to dispose of the pending Energy bill to help bring down the price of gas at the pump first, before turning to other matters, so for that reason I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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. 434, S. 2035, the Free Flow of Information Act.

Harry Reid, Charles E. Schumer, Debbie Stabenow, Christopher J. Dodd, Maria Cantwell, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Bernard Sanders, Robert Menendez, Patty Murray, Barbara Boxer, Ron Wyden, Ken Salazar, Bill Nelson, Daniel K. Inouye, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—51

| | | |
|---|---|---|
| Akaka | Durbin | Menendez |
| Baucus | Feingold | Mikulski |
| Bayh | Feinstein | Murray |
| Biden | Hagel | Nelson (FL) |
| Bingaman | Harkin | Nelson (NE) |
| Boxer | Inouye | Pryor |
| Brown | Johnson | Reed |
| Byrd | Kerry | Salazar |
| Cantwell | Klobuchar | Sanders |
| Cardin | Kohl | Schumer |
| Carper | Landrieu | Smith |
| Casey | Lautenberg | Specter |
| Clinton | Leahy | Stabenow |
| Collins | Levin | Tester |
| Conrad | Lieberman | Webb |
| Dodd | Lincoln | Whitehouse |
| Dorgan | Lugar | Wyden |

NAYS—43

| | | |
|---|---|---|
| Alexander | Crapo | McConnell |
| Allard | DeMint | Murkowski |
| Barrasso | Dole | Reid |
| Bennett | Domenici | Roberts |
| Bond | Ensign | Sessions |
| Brownback | Enzi | Shelby |
| Bunning | Graham | Snowe |
| Burr | Grassley | Stevens |
| Chambliss | Gregg | Sununu |
| Coburn | Hatch | Thune |
| Cochran | Hutchison | Vitter |
| Coleman | Inhofe | Voinovich |
| Corker | Isakson | Warner |
| Cornyn | Kyl | |
| Craig | Martinez | |

NOT VOTING—6

| | | |
|---|---|---|
| Kennedy | McCaskill | Rockefeller |
| McCain | Obama | Wicker |

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the media shield bill.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. For the knowledge of all Members here now, we are now still on the motion to proceed to the media shield bill; the one that cloture was not invoked on. So that is what we are going to be on for the foreseeable future.

We have a couple matters that are possible that we can move forward on. That will be up to the minority as to when and where we will do that. We have the consumer product safety bill, we have also the work that has been done on the higher education bill.

I am going to file cloture before we leave on the motion to proceed to the Defense authorization bill. As I told the distinguished Republican leader today, if there is some serious negotiations on the extenders, Senator BAUCUS is ready to do this.

But as a notice to everyone, as I said in my statement before the vote, there is a new sheriff in town by the name of PELOSI. The House will not allow matters to be passed without being paid for. I agree with her. We have far too long not paid for things.

We have a situation now where we have had 8 years of buying red ink by the trainload. We have now a situation where the deficit this year will be about half a trillion dollars. The only thing we have heard, and Senator BAUCUS heard yesterday on the tax extenders, is what the Republicans want to do: We want to have some more things, but we do not want to pay for any of it.

The Speaker has sent a letter to me signed by 220 Members of the House of Representatives, saying these matters have to be paid for. What we did in this work done by Senator BAUCUS, there were matters that rightfully should not be paid for, such as disaster assistance.

As we have indicated in the past, even though the House does not like it, and we do not particularly like it, the AMT in this bill is not paid for. So other than that, things are paid for and paid for in a very responsible way.

The tax extender package includes some things that would change energy in this country as we have known it for 100 years.

It would change from a situation now where everything is done with fossil fuel to a situation that T. Boone Pickens and others envision, where we would be depending on the Sun, the wind, geothermal, biomass. This is real. There are people during the last 4 months who have been laid off, working on these alternative energy projects, renewable energy projects. There are people who could go to work tomorrow on these projects. Remember, these are all American jobs, jobs that can't be exported anyplace else.

As I said to the Republican leader today, the August schedule is in his hands. I have told those assembled here

today what we have to do. I told Senators what we have to do. I am tremendously disappointed that the tax extenders were not passed. I was just given a note by the chairman of the Environment and Public Works Committee about something that also is in this bill that would create lots of jobs, at least 150,000 high-paying jobs, and that is to replenish the money from the highway trust funds. Those moneys are not going to be there, which will cause people not only to not have jobs, but it will stop projects from going forward that are already in progress.

The schedule in August is up to the Republican leader. As I have said before on a number of occasions, we basically have finished what we have to do this work period. We have tried mightily during the last 18, 19 months to get things done. We have had to deal with about 90 filibusters. Whatever the number is, we increased it by one today. We will see what happens on the legislation dealing with higher education and see what is going to happen with the Republicans as it relates to the consumer product safety legislation. That may add two more filibusters. Of course, we have the Defense authorization bill to which we wish to proceed. We will have a vote on that on Friday. It is up to the minority to determine what we will do on that.

As I have indicated on a number of occasions, we have the conventions coming up in August, which is important to every Senator. We have other important items we have been working on that need to be done at home. We can't do them in Washington. But we await word from Republicans, if they are going to negotiate seriously on the tax extenders. Other than that, I have stated, I believe pretty clearly, where we are.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I wish to note that the energy tax extenders would have been law as of 7 a.m. this morning if they had not been taken out of the housing bill by the Democratic majority. We should be aware of the fact that one of the reasons why this issue remains is the strategy from the majority on the housing bill.

Mr. REID. Understand, though, that is the whole problem. They don't want to pay for anything. The bill that is before the Senate is paid for. What he is talking about is the flimflam where you pass all these things and don't pay for them. That is why we have a staggering deficit that during this administration has gone up more than $3 trillion. When George Bush took office, over 10 years there was a surplus of about $10 trillion. That is long since gone. I appreciate very much the statement of my friend from Arizona, but the fact is, that is what we are talking about here. They don't want to pay for anything. The tax extenders in our package are paid for, as they should be. The American people should not be burdened and leave a legacy looking forward of their children, grandchildren, and great-grandchildren buried by Bush deficits.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I note that 88 Senators voted in favor of that approach dealing with this subject.

Mr. REID. I appreciate the statement of my friend from Arizona. I believe in these extenders so strongly that even though I would much rather have them paid for, we all know the debt has to stop someplace. As I indicated, the House of Representatives, to their credit, will not accept these not being paid for. That is the way it should be. We should not be running up massive deficits that the Bush administration—first year, second year, third year, fourth year, fifth year, seventh year, and now in the eighth year—is willing to accept. The war in Iraq, $5,000 a second; it doesn't matter.

We are where we are, but I am very disappointed that we are where we are. As I said, my Senators are waiting to hear from the Republican leader what he wants to do the rest of this week and into the future.

## JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant 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. 898, S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

Harry Reid, Max Baucus, Bernard Sanders, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Patty Murray, Ron Wyden, Debbie Stabenow, Patrick J. Leahy, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown, Carl Levin.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3335, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—51

| | | |
|---|---|---|
| Akaka | Dole | Menendez |
| Baucus | Dorgan | Mikulski |
| Bayh | Durbin | Murray |
| Biden | Feingold | Nelson (FL) |
| Bingaman | Feinstein | Nelson (NE) |
| Boxer | Harkin | Pryor |
| Brown | Inouye | Reed |
| Byrd | Johnson | Salazar |
| Cantwell | Kerry | Sanders |
| Cardin | Klobuchar | Schumer |
| Carper | Kohl | Smith |
| Casey | Landrieu | Snowe |
| Clinton | Lautenberg | Stabenow |
| Coleman | Leahy | Tester |
| Collins | Levin | Webb |
| Conrad | Lieberman | Whitehouse |
| Dodd | Lincoln | Wyden |

NAYS—43

| | | |
|---|---|---|
| Alexander | DeMint | McConnell |
| Allard | Domenici | Murkowski |
| Barrasso | Ensign | Reid |
| Bennett | Enzi | Roberts |
| Bond | Graham | Sessions |
| Brownback | Grassley | Shelby |
| Bunning | Gregg | Specter |
| Burr | Hagel | Stevens |
| Chambliss | Hatch | Sununu |
| Coburn | Hutchison | Thune |
| Cochran | Inhofe | Vitter |
| Corker | Isakson | Voinovich |
| Cornyn | Kyl | Warner |
| Craig | Lugar | |
| Crapo | Martinez | |

NOT VOTING—6

| | | |
|---|---|---|
| Kennedy | McCaskill | Rockefeller |
| McCain | Obama | Wicker |

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to the energy renewables package.

The PRESIDING OFFICER. The motion is entered.

## FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding until 12:30 the Democrats control the time; is that correct?

The PRESIDING OFFICER. There is no agreement in order.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and Senator STABENOW be recognized for 20 minutes following me.

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

ENERGY

Mr. DURBIN. Mr. President, this vote that was cast is something America should not miss. This was about an energy program for America, and it was defeated. It was defeated because only four Republicans—maybe five—managed to cross the aisle and help us.

This is 2 days running that the Republicans—who have given us speech after speech about why we need an energy policy—have voted no. That is all they do: vote no.

What did this proposal include? It included energy tax credits desperately needed by America. This morning, Senator STABENOW gathered together Governors, leaders in business and leaders in labor and they all told us the same thing: Pass the energy tax credits, and pass it now. Jobs are at stake across America.

I had a major company in Chicago that came in—the CEO came in to see Senator REID and myself last week—facing bankruptcy because we cannot pass this bill. Why? Because the Tax Code was written year to year, creating incentives for investment in wind power. That is the power that does not pollute but creates electricity. Wind turbines all over my State and all over the country are doing the right thing for our future. They will not continue without these tax credits, and the Republicans consistently vote no. And then—hang on—after lunch they will be on the floor saying we desperately need an energy policy.

Where were they when we needed them? That was not the only thing in this bill. This bill also put $8 billion in the highway trust fund that has gone broke. Across America, we are losing jobs, at a time when we need good-paying jobs right here at home, because Republicans refuse to do this. They will not vote for it.

There was another provision or two in there equally important, but I wish to focus on those two. Let me explain to you why they would not vote for it. They would not vote for it because on the Democratic side we insisted that if you are going to have tax credits given, we pay for them so that, ultimately, it does not add to our national deficit.

This President inherited a surplus from President Clinton and has now taken the gold, the silver, and the bronze medals for the biggest deficits—top three deficits—in the history of the United States in his 8 years. We are saying this has to end. We cannot broker America's future for our children. So we want to pay for these tax credits. We do it in a way that even the business community says: That is reasonable. We can live with it. But not the Republicans. Only four or five will cross the aisle to help us.

A minute ago, I met in my office with the CEO of American Airlines, Gerard Arpey. This poor man is struggling to keep one of the major airlines in America out of bankruptcy. He is cutting back on schedule, reducing the number of employees because, unfortunately, when oil is $125, $135 a barrel, the cost of jet fuel is bankrupting his airline. He is begging me—begging me—the United States and the Congress to show some leadership.

Now, what can we do? First, we can get some Republicans to join us for this energy policy. If they want to produce more energy in America, have them vote for it, not give more speeches with their ''produce more, use less'' slogans on the floor. Produce some votes for us. A few less speeches and a few more votes and we would have an energy policy. That is the reality.

There is something that can be done immediately, though, and it is something this President can do and does not need to wait on Congress, and he ought to do it today. President Bush should announce he is going to start selling off oil from the Strategic Petroleum Reserve to bring the price of a barrel of oil down to $100 a barrel. That is our target price for America. That will turn this economy on. That will give the airlines a chance. That will put the truckers back to work. That will give the farmers a break.

The President can do it without any congressional approval. His father did it. It is not a radical idea. Seven hundred million barrels of oil—if the President released and sold 10 percent of that, saying: My goal is to get to $100 a barrel, that oil on the market would start the price coming down.

All this discussion on the Republican side and from the President about drilling—if we decided today to start drilling certain acreage, you would not see the first drop of oil for 8 to 14 years. You would have to wait 8 to 14 hours for the President's announcement about releasing oil from SPR to see an impact on the market.

It is time for Presidential leadership. The fact that the President comes out of the oil industry and the Vice President does as well, they understand it. And the oil industry has never done better.

Now it is time for the President to show leadership. He can do it. We should call on him in Congress, on a bipartisan basis: Release this oil from the SPR, bring down the price of a barrel of oil, give American families a fighting chance when they go to the gas station, and give these companies a chance to create more good-paying jobs in America. That is what is at stake.

Mrs. BOXER. Mr. President, will the Senator yield for a couple questions?

Mr. DURBIN. Mr. President, I am happy to yield.

Mrs. BOXER. First of all, Mr. President, I have known my friend from Illinois, the senior Senator from Illinois, for many years. We served in the House together. He is one of the most collegial Members of the Senate. I say to the Senator, I do not think I have ever seen you quite as upset and angry as you are.

I wish to ask my friend—because he touched on this—as to the real impact on America's families that he started to discuss. As chair of the Environment and Public Works Committee, I know, as he does, we have to fund our highway program. I know my colleague from Michigan and my colleague from Minnesota both are going to talk about the need for safe and sound infrastructure and the fact that with it comes good jobs.

But here is where we are at this point. Because of the no, no, no votes by that side—what they said no to today was making sure we can pay for the highway projects we have already authorized, we have already told the States to go ahead and start constructing.

I say to the Senator, $8 billion was in this bill that they just said no to, again—$8 billion to replenish the highway trust fund. That translates to—and hold on to your hats, folks—400,000 good-paying jobs that will be lost if we do not replenish this fund, not to mention the jobs that are already being lost because they refuse to renew these tax credits for solar, wind, and geothermal.

Mrs. BOXER. In my State, we have a horrible housing crisis. It is terrible. Construction is down. What has been keeping us afloat, I say to my colleagues, is the renewable energy industry. Four hundred solar companies have moved in. They are taking these workers. So how could we have—Mr. President, I ask unanimous consent that the Senator have 1 more minute.

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

Mrs. BOXER. So I say to my friend, this Republican Party here, they are the recession party. They stand for recession and moving into depression with their votes, does my friend not agree, with their votes today?

Mr. DURBIN. This is the second time in 24 hours we have given the Republicans a chance to show whether they are for an energy policy which will produce more clean energy and more jobs for America, and four of them came forward to support us—only four. There are 49 of those Senators, and 4 voted with us.

Mrs. BOXER. And the trust fund.

Mr. DURBIN. And the trust fund, of course—a critical point—which can create 400,000 jobs across America.

Middle-income families are struggling to survive. We need more good-paying jobs right here in this country. How can they come down here and consistently vote no and say they want an energy policy?

The President should release oil from SPR this week. Our goal should be $100-a-barrel oil. The President doesn't need Congress. Let him show some leadership in this energy crisis.

Mr. President, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent that the majority control the time until 12:30, the Republicans control the next 30 minutes, the majority control the next 30 minutes, and the time until 6 p.m. be controlled in 30 minute blocks in an alternating fashion.

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

AMERICA'S PRIORITIES

Ms. STABENOW. Mr. President, I wish to thank my colleagues, our assistant majority leader from Illinois

and the Senator from California, for speaking today, because we are quite astounded, I have to tell my colleagues. Coming from the great State of Michigan where we care about jobs—and I know the Presiding Officer does, coming from the great State of Pennsylvania—our folks are desperate for good-paying jobs, middle-class jobs that allow them to pay that mortgage and pay those outrageous gas prices and to be able to keep their families afloat and put food on the table.

What we had happen in front of us today was an effort to once again block the future of alternative energy jobs and block today, by stopping it, an investment in the highway trust fund that would keep 400,000 jobs going in our country. That is a lot of jobs—400,000 jobs.

Now, why would they do that? When you look around, since this President and Vice President have taken office, gas prices have tripled. Oil prices are four times higher. Families and businesses are being squeezed on every side. Why can't we get action? Who benefits? I wonder who would like this picture.

Well, let's look at who would like this picture. I only pick on one company because they happen to be the ones showing the highest profits. During this time that families and truckers on the road are trying to make a living, and businesses, small and large, are trying to hold it together, during this time of crisis, $185 billion profit since our President and the Vice President—two oilmen from Texas—took office. Mr. President, $185 billion in profits. What we have here is an oil agenda. We have had an oil company agenda since they took office on every step of the way.

The bill that was turned down today—it wasn't just turned down today; it was, in fact, turned down on June 10 of this year, June 17 of this year, July 29, and today. This isn't the only time. We have gone back as far as last year, a year ago. Tax incentives in the Energy bill were blocked twice by Republican colleagues on behalf of big oil on June 21, 2007, and December 13, 2007. We can go on. February 7 of this year, Republicans blocked adding critical energy production tax incentives to the stimulus that was passed. They are willing to give everybody a little bit of a check, a little bit of a rebate check, but when we are talking about creating jobs and investing in competition with the oil companies, oh, no. Oh, no.

Who wouldn't want that competition? Let me see. Maybe these folks wouldn't want that competition. Maybe they were the ones who said: No, no, we don't want to be focusing on electric vehicles and investing in battery technology or consumer credits for new vehicles. No, no, we don't want to be investing in solar and wind and geothermal. No, no. Getting off of oil? No, no, no, no. This is the oil administration. We don't want to get off of oil; we want to embrace it. We want to continue it.

Unfortunately, that is exactly what has happened.

Record profits. The total combined net profits of the big five oil companies since our President took office are upwards of $556 billion. If I sound a little upset, I am because I have folks in my State who are just struggling to try to make it. Are they investing here at home with that $556 billion? The oil companies spent $188 billion buying back their own stock in the last 5 years. Exporting. A record 1.6 million barrels a day were exported, 33 percent higher than before.

We are in a global economy. Unfortunately, even though I think it is important to have a domestic oil supply, it is in a global economy. It is not necessarily going to stay here. The drill-only, the drill-forever crowd, that is the oil agenda. It is the oil profits agenda in a global economy.

Let me share for a moment some folks who are suffering under the oil agenda of this President and Vice President and the Republicans who have been in charge.

In South Haven, MI, a beautiful little town along Lake Michigan, this was in the paper. Early last month, Jeanne Fair, who is 62 years old, got her first hot meals delivered to her home in this little lake community in the rural southwestern part of the State. After two deliveries of meals, they stopped because the volunteers couldn't afford the gas to get her the food. ''They called and said I was outside of the delivery area,'' said Mrs. Fair, who is homebound and hasn't been able to use her left arm since a stroke in 1997.

Faced with soaring gasoline prices, agencies around the country that provide services to the elderly say they are having to cut back on programs such as Meals on Wheels, transportation assistance, and home care, especially in rural areas that depend on volunteers to provide their own gas. In a recent survey by the National Association of Area Agencies on Aging, more than half said they already cut back on programs because of gas prices. Ninety percent say they are expected to cut them back in 2009.

This is the United States of America, and we have volunteers who have to stop giving meals to people in rural Michigan so these folks can keep up this agenda here: $185 billion profit since George Bush took office. And our folks can't afford gas.

Let me share something else, a letter from a gentleman:

> As my family's only breadwinner, I drive over an hour each day to my job at LifeWays in Jackson . . . The reason I drive over an hour each way is because jobs for professionals are extremely rare in Hillsdale County where I live. Over 16 car industry-related plants have closed in Hillsdale County in the past 10 years, leaving the unemployment rate sky high and wages extremely low. The newest hit is the high prices for energy which are hurting me and my family. Not even looking at the 55-cent increase per gallon of propane we were just notified of, my commute costs me $28 a day and I drive a midsized car. I urge Congress to act immediately.

Mr. President, we had a chance to act immediately today to do something that would make a difference, a real difference, and Congress didn't do it.

I also have one other letter from a 17-year-old high school student who has a job. She says: I make $7.15 an hour and put in about 20 hours a week. My job sometimes interferes with my education because I am trying to make money that I need. My job affects school because I need to work. It makes it difficult for me. I am paid every 2 weeks and spend about $100 a week on gas to get back and forth to school and work. She says: Even during school time, I ride the bus to try to save money, but now I probably won't be riding the bus because school districts are cutting back on transportation to school. They are doing this because they don't have enough money to fill up the buses' gas tanks.

What is going on? What is going on here? We are fighting for the people of this country who expect to be able to put gas in the schoolbus, who expect to be able to have seniors get Meals on Wheels, who expect to be able to drive to work. That is what this is about. It is about time we change the agenda of this country and who decisions are being made for. The reality is—I think it is, unfortunately, way too simple, but it is true—we have had 8 years of two oilmen in the White House and it has gotten us paying $4-a-gallon gasoline, maybe a little less, maybe a little more. That is the reality. We have seen over and over not only efforts on this floor to block what we are doing but on top of that, to add insult to injury, a free ride for the oil companies.

In January of 2006, the New York Times reported that the Bush administration was allowing oil and gas companies to forgo royalty payments—forgo royalty payments—on leases in Federal waters, public waters in the Gulf of Mexico. It would cost American taxpayers more than $60 billion. Sixty billion dollars would equal 38 days of free gas for every American. How about that. So not only are they blocking us from creating alternatives, not only are they blocking us from taking taxpayer money—the same people I just read about are subsidizing the oil companies because we can't stop these subsidies going to the most profitable companies in the world—the world. We can't get that stopped when we are trying to say: Take those dollars and move them over to the future, which is alternative energy that will allow gas prices to go down, that will free us from foreign oil, get us off of a policy that depends on those around the world who aren't exactly our friends, and make us stronger in terms of national security. We can't get that done. Then, to add insult to injury, they waive oil and gas leases—$60 billion. I would love to have been able to waive some house payments. I would love to have been able to say to folks who were trying to

make it and not lose their house in foreclosure: We will give you 90 days, don't worry about it, because we care about families and we want to make sure you keep your house.

We finally have a housing bill. It is too late for many people, but we finally have one, thank goodness, that the President would sign.

Where are the priorities of this country? Who are we making decisions for? That is the question. Who are we making decisions for?

So I have extreme concern about the direction in which we are going. I have to tell my colleagues, as somebody who comes from a State where there is such a little bit of support right now, it would give us a whole lot more impact in the short run if we were to invest—and I know that. I am so grateful to our Senate leadership for supporting our efforts to retool our auto plants, to keep jobs in America for new vehicles. We are now focusing our talk so many times on this floor on what we are doing to support the advanced battery research and development so we are making those new batteries in America, not only for automobiles but for energy storage, and making sure we are the energy producers and creating the jobs of the future. A few investments we can do immediately within the next couple of years would tremendously impact us.

I know my time is up. Let me just indicate that it is time to change the agenda. The American people have had enough. This big-oil agenda which has been driving the train here on the Senate floor and which has been driving the train in the White House has to stop.

We have to take away their track and turn this thing around, so that we are focusing on what the American people want us to focus on to help them and their families in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to continue the discussion we are having on our Nation's energy situation and to point out that it is a discussion, it is not action.

I point out that the other side of the aisle could be called the ''great pretenders.'' They are pretending to be interested in energy, but they are not doing anything about energy. The only thing we have been allowed to debate on this has been the bill on speculators. I have talked about speculators and the role they have and what the possibilities are for them to skew the market. It is the blame game. For every person who gains a dollar, a person loses a dollar.

Our airlines rely on the speculation, rely on those markets to hedge their prices, and we call it speculation. It has allowed them to lock in a reasonable price some of the time.

So it is the great pretender package, because it doesn't solve energy. If we don't find some ways to use less and find more, we are not going to be able to make the transition to renewable energies. We are being blocked from doing that.

What we are doing is ''gotcha'' politics. We have been doing it for several months now, and it is wrong. How can you tell when it is ''gotcha'' politics? When a bill doesn't go through the regular process, when it doesn't go to committee so that there can be extensive debate among the people who are expert in that area, so that the people in that specific committee have a chance to make amendments. That is where a lot of the legislating happens. By the time it gets to the floor, it is kind of take it or leave it—maybe a few amendments but not many are ever allowed. On this one, the most we have been allowed is four amendments, which have been written by the other side of the aisle.

That is unconscionable. It has never been done in the history of the United States. And then they demand a 60-vote margin on those. It will not happen, and neither is anything else, until we do something about energy because it is the No. 1 concern of people in America now. There is good reason for that. I know trucking firms that are going out of business. People want to take vacations, and they are either having to reduce the distance they are going or eliminate the vacation altogether. I know people who are having trouble getting to work.

We can put quick solutions, medium, and long-range solutions, in there that would resolve the energy problem for America. The world is becoming more energy oriented. The world understands energy. China understands energy. China is buying up every source of energy it can find around the world, because it grows their economy. They are using some of the worst stuff they can possibly use. That is why housing at the Olympic village isn't going to be able to used for the athletes, because they won't be able to breathe properly—even though they have bought clean Wyoming coal, and they tried to buy an oil company in the United States so they could take that oil to China. India is also competing for energy. That competition is driving up the prices.

Unless we find more and use less and transition into renewables, we are going to have a long problem in the economy of this country. As long as we keep bringing bills to the floor that have not been through committee, where people with disagreements can move off to the side and work that out and bring it in, it is not going to work. We are going to have a higher education bill this week, and that will make a difference to students throughout the United States—in high school, going to college, and those in college continuing with college. That went through the whole process. That has been through the committees in both the House and the Senate. A lot of changes were made. That has been passed in the Senate and passed in the House on the floor, and changes were made. Now it has been conferenced. Last night, it took us all of an hour and a half to work out the differences and finish the bill. That will be a privileged motion that will come here. So we will finish up a major bill in about an hour and a half because it went through the process.

You cannot take something such as energy, put out a phony bill, expect it to pass, and check off the box on energy. It is not going to work. We are not going to do that. That has never been the way we have done work in the Senate. We take a bill to committee, get it worked out, bring it to the floor, and let people make amendments. That is the way we do things here. It takes time, but it doesn't take nearly as much time as forcing all of these filibusters by putting up bills that the tree will be filled on, which means nobody can do any amendments—a take-it-or-leave-it bill.

As long as we are doing take-it-or-leave-it bills, nothing is going to happen. It makes good publicity because they will run ads in Wyoming that will say Senator ENZI voted against this and that. And you know, I think the people in Wyoming kind of have it figured out. They know we are actually trying to get something done. They know what a crisis it is on energy. We have to make a difference there.

So, remember, if a bill hasn't been to committee, it is a ''gotcha'' bill, designed by one party. Several times there have been negotiations started between the two parties, such as on the tax extenders bill. But thinking that would be a good ''gotcha'' vote, we had the package that you saw earlier that didn't make it through cloture. That could be negotiated out. That could make it through the process. It needs to make it through the process. But it is not going to make it through the process if one side says let's put this out there, and the other side will have a lot of trouble voting for this, and we can claim they don't like tax extenders. I don't think that has been the history of the country. I know it hasn't been the history of the Senate.

Energy is so important. Energy impacts every part of our lives. When gasoline and diesel fuel are more expensive, you pay more to fill up your vehicle at the pump. So do truckers who transport the items we need, such as food. In turn, you pay more at the grocery store. You pay more for gifts you buy for loved ones. The high cost of fuel makes it harder for families to fill up their gas tanks. They are canceling vacations or they are picking ones closer to home. Because they are forced to cancel vacations, main street shops are closing down because they don't have consumers to buy their products.

Low energy costs make it possible for our economy to flourish, and at a time of economic concern, we should be doing everything we can to improve

our Nation's energy situation as opposed to hindering it. The ''energy bill'' we are debating ignores this fact because it only deals with a small part of our energy situation—energy speculation.

I have noticed that whenever a situation gets bad, Congress plays the blame game. In this instance, the price of gas is making you angry. It makes me angry, too. I am sick of paying $4 a gallon to fill my gas tank. I want action. Instead of action, the majority has given us the legislation to punish speculators. Never mind that speculators are pension funds, airlines, and other consumers who are looking for certainty in an uncertain market. They have given us a bill that clamps down on speculators even though the Chairman of the Federal Reserve has said there is no evidence that speculation is impacting the market.

As I mentioned in my statements last week, this speculation bill might even have negative consequences on the market. I spoke at length regarding the possible unintended consequences of the majority leader's bill on institutional investors, including pension funds, and their ability to access and participate in our markets. Since I made those statements, I received two letters from The Committee on Investment of Employee Benefit Assets, and from a group of 10 associations that represents pension funds, companies, and their investment managers and fiduciaries, expressing their concern about the majority leader's bill. I ask unanimous consent that both of these letters be printed in the RECORD.

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

THE COMMITTEE ON INVESTMENT OF EMPLOYEE BENEFIT ASSETS,
*Bethesda, MD, July 25, 2008.*

Re energy speculation legislation (S. 3268) erodes core ERISA principle of investment flexibility.

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

Hon. MICHAEL B. ENZI,
*Ranking Minority Member, Committee on Health, Education, Labor and Pension, U.S. Senate, Hart Senate Office Building, Washington, DC.*

Hon. MAX BAUCUS,
*Chairman, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Minority Member, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMEN KENNEDY AND BAUCUS AND RANKING MEMBERS ENZI AND GRASSLEY: I am writing today on behalf of the Committee on Investment of Employee Benefit Assets (''CIEBA'') to express our concerns regarding S. 3268, the Stop Excessive Energy Speculation Act. This legislation would erode a central principle of the legal regime governing our voluntary pension system. We share the sentiments expressed in the letter of concern regarding S. 3268 sent to the Senate earlier today by ten trade associations active in the pension arena but wished to write separately to highlight our particular concerns about potential erosion of one of the core principles of the Employee Retirement Income Security Act (ERISA).

CIEBA is a group of over 115 private pension funds that manage more than $1.5 trillion in defined benefit and defined contribution plan assets on behalf of more than 17 million plan participants and beneficiaries. As you know, our nation's voluntary employer-sponsored pension system has served Americans well for over half a century and tens of millions of workers and retirees rely on defined benefit and defined contribution retirement plans as a critical element of their retirement security.

CIEBA is concerned about the possible unintended consequences of S. 3268. While we understand and share the concerns regarding the rising costs of energy, severely restricting investment in energy commodities markets, as S. 3268 would do, endangers the financial well-being of the pension system and the American families who rely on this system.

CIEBA has been working actively to highlight the pension implications of restrictions on commodities investing and warn against the adverse effects of such restrictions on pension participants and beneficiaries. I testified on June 24, 2008, before the Senate Homeland Security and Governmental Affairs Committee on these issues, and the chairman of CIEBA's defined benefit subcommittee, Robin Diamonte, testified before the House Agriculture Committee on July 10, 2008. In our testimony, we made clear that while commodities are only a modest component of a pension fund's total investment portfolio, they are nonetheless quite important because commodity returns are uncorrelated with stock and bond returns and commodities provide a critical hedge against inflation. We further testified that efforts to restrict the ability of pension plans to invest in commodities markets, whether through outright prohibitions or severe limitations, is short-sighted and counterproductive. Such restrictions would make it difficult for pension plans to adequately diversify investments to hedge against market volatility and inflation. Consequently, they would put at risk the retirement funds and benefits of the very workers the legislative proposals are intended to help.

As leaders of the Senate committees with pension jurisdiction, we hope you share our concern about adopting energy legislation with such major implications for the pension system, particularly when your committees of jurisdiction have not had an opportunity to consider these issues. Congress has long recognized that direct government regulation regarding specific pension plan investments is ill-conceived, and ERISA very consciously avoids such an approach. As you know, ERISA imposes rigorous fiduciary responsibilities on those who manage pension plan assets. These rules require plan fiduciaries to act prudently, and to diversify plan investments so as to minimize the risk of large losses. Moreover, ERISA requires fiduciaries to act solely in the interest of plan participants and beneficiaries and for the exclusive purpose of providing participant benefits. Accomplishment of these participant-focused objectives can best be achieved by broad fiduciary discretion to select appropriate investments and asset classes and this is precisely the regime adopted in ERISA. Fiduciaries cannot faithfully execute their obligations and respond to market conditions if restrictions are imposed on important investment approaches and asset classes. Unfortunately, this is precisely what S. 3268 would do. Its restrictions would erode fiduciaries' critical investment discretion and thereby undermine one of ERISA's core principles.

The experience of other nations has shown that efforts to impose investment restrictions and/or investment requirements on pension plans impairs performance and thereby harms the interests of pension plan participants and beneficiaries. This has been the European experience, and we fear current efforts to restrict investments in commodities could be the beginning of a counter-productive movement in this direction in the U.S. We hope to work with you and your Senate colleagues to ensure that this will not be the case. Instead, we must ensure that our existing ERISA structure—imposition of demanding fiduciary obligations paired with broad investment flexibility—is preserved.

Thank you for your consideration of our views on this important issue. We would be happy to provide further input on this legislation to ensure the health of a secure retirement system that will continue to serve the interests of the tens of millions of pension plan participants and beneficiaries.

Sincerely,

WILLIAM F. QUINN,
*CIEBA Chairman.*

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JULY 25, 2008.

Re adverse retirement plan implications of energy speculation legislation (S. 3268).

Hon. HARRY REID,
*Majority Leader, U.S. Senate, Washington, DC.*

Hon. MITCH MCCONNELL,
*Republican Leader, U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: We are writing today to express concerns about the implications of S. 3268, the ''Stop Excessive Energy Speculation Act of 2008'', on employer-sponsored retirement plans and the tens of millions of American workers and retirees who rely on these plans for their retirement security. We represent organizations that assist employers of all sizes, and their service providers, in providing retirement benefits to employees.

We are very concerned that the serious implications of S. 3268 on retirement plans and retirement plan participants have not been sufficiently evaluated. We are also concerned that this legislation relating to energy policy could unintentionally harm the long-term financial security of American workers and their families.

Employer-sponsored defined benefit plans invest for the long-term and do so in a wide range of asset classes in order to diversify plan investments and reduce to the greatest extent possible the risk of large losses. These strategies are central to employers' fiduciary obligations to act prudently and solely in the interest of the plan's participants and beneficiaries. Plan fiduciaries are subject to extremely demanding legal obligations under the Employee Retirement Income Security Act (ERISA). ERISA was drafted to preserve the fiduciary's flexibility to select the investments that will allow them to carry out their mission of providing retirement benefits to employees. Commodities are one of a broad range of asset classes upon which fiduciaries rely. Commodities serve as a modest but important element of the investments held by employer-sponsored defined benefit pensions because commodity returns are uncorrelated with stocks and bonds and because they provide an important protection against inflation.

For the same reasons, commodities are used in many of the diversified ''single fund'' solutions (lifecycle funds, target retirement date funds) that have been developed to simplify investing for the tens of millions of

Americans participating in defined contribution plans such as 401(k), 403(b) and governmental 457 plans. These single fund solutions, which policymakers have encouraged through legislation and regulation, make investing easier while giving workers access to professionally managed, diversified portfolios.

The restrictions imposed on commodities investing under S. 3268 would greatly limit the ability of employer-sponsored defined benefit and defined contribution plans to use this important asset class. The result will be less ability to diversify investments, manage investment volatility and provide a buffer against inflation. Unfortunately, it is the employees and retirees who depend on employer retirement plans for their income in retirement who will ultimately suffer. We hope, with this in mind, that the implications for retirement plans and plan participants will be examined more fully before S. 3268 is considered further.

We sincerely appreciate your consideration of our views on this important matter. Please let us know if we can provide additional information or address any questions you may have.

Sincerely,
American Bankers Association.
American Benefits Council.
American Council of Life Insurers.
The ERISA Industry Committee.
The Financial Services Roundtable.
Investment Company Institute.
Managed Funds Association.
Profit Sharing/401(k) Council of America.
Securities Industry and Financial Markets Association.
U.S. Chamber of Commerce.

Mr. ENZI. While the majority has given us someone to blame, they have not given us a comprehensive bill that will get us out of this energy mess. They have not given us a proposal that addresses the heart of the problem—the problem of supply and demand. We need to find more American oil from American soil at the same time that we use less. We need to quit shipping those dollars overseas to countries that would like to do us harm. We need to do something with renewables. But there are also things we can do with the coal resources we have. My State has more coal than the Btus of oil in the Middle East. I have a lot of faith in our young people. When I was going to junior high, Russia put up Sputnik, and we panicked. We discovered—even in junior high we realized this—we were now behind Russia, and it was a crisis. We didn't want to be there. Education changed, parents changed, and teachers changed. We began inventing. We not only solved the problem of space, we sent a man to the Moon. We have sent vehicles to Mars and other planets. That was the rocket generation.

Then we went to the computer generation. We have people with extraordinary minds, because of the freedom we have in the United States, who came up with great inventions for computers. I remember when they said that 640K would be the maximum memory you could ever use in a computer. Nobody even knows what that is anymore, it is so small.

Then we went to communications, and we said there ought to be better ways to communicate. Then we began the cell phone generation.

Now we are in the energy generation. There are young people out there who can invent clean ways to do what we need to do, who can change things that we never considered to be energy. I have a lot of faith in them. I have challenged them. I do the inventors conference every winter in Wyoming, and I have asked the young people to come up with inventions—and they don't have to be difficult, but they should pertain to a pertinent problem so they can be marketed. We got more than 250 inventions as a result of it.

Now I am pressing for energy inventions. We have not built a new refinery in the United States for 40 years. Part of it is the permitting process and part is a fear of lawsuits. We permitted a new refinery in Douglas, WY. It will turn out diesel fuel. That is one of the biggest needs we have in our country, because of how much we rely on trucking in the United States, including trucking to be able to mine the coal.

By producing American energy, we reduce our Nation's dependence upon foreign oil sources and, at the same time, we work to develop new technologies that will make it so we don't need oil in the future. We can safely produce more American energy off of the coasts of States that want exploration to take place. We can produce nearly a million barrels of American energy each day from the Arctic National Wildlife Refuge, in an environmentally sensitive manner, from an area smaller than Dulles Airport. In fact, it is smaller than the Casper, WY airport. A million barrels a day will bring down the price at least $20 a barrel. We can improve the permitting process to allow some of the leases that the other side claims are not in production to be drilled by restricting the amount of times we let radical environmental groups file frivolous lawsuits. They have to file all of their objections at the same time, so they can be done consecutively instead of sequentially. Most of the original leases are by small investors. It costs about $1,500 an acre. It is 5 or 6 years before they can even use the lease. We hear all of these acres of leases that are not being drilled, and it is because they are tied up in the courts. As soon as they can be drilled, they are. There is a tremendous investment. They don't know if they are going to hit oil, but the cost of a well now is about $8 million.

Instead of relying on oil from Hugo Chavez, in Venezuela, or other nations that wish us harm, instead of playing the blame game, we can do something to bring down the price of gas. That is what my constituents are begging us to do.

Unfortunately, we are not having a real debate on the bill. The Senate is oftentimes called the most deliberative body in the world. Yet we are not allowed to debate the issue that is most important to the American people. Why, you might ask? The majority leader has used a procedural tactic to prohibit us from offering amendments. He has used a procedural tactic to prevent votes on amendments. No votes, just a speculation bill, bills that haven't gone through committee. He has prevented a vote on amendments I have cosponsored to produce more American energy. He prevented a vote on my amendments to make the speculation bill more reasonable. He is preventing a vote on an amendment of which I am a cosponsor that would encourage production of diesel and jet fuel from America's most abundant energy source—coal.

It is the wrong way to legislate and will not help you when you go to fill your gas tank. It will not help you when you get your electricity bill, your heating bill this winter.

What we need is legislation that encourages us to find more American energy as we use less. I am the cosponsor of legislation to do that. The Gas Price Reduction Act, which is cosponsored by 43 of my Republican colleagues, includes a provision to open coastal waters in States where they want energy production. It ends the ban on the development of promising oil shale in Wyoming, Colorado, and Utah, oil shale that can provide as much as 2 trillion barrels of oil. At the same time, the Gas Price Reduction Act encourages increases in the supply of American energy, it promotes the development of better technology so we use less energy.

Thus far, we haven't had a vote on those issues. We have been told by the majority leader we can have limited amendments with limits as to how those amendments can be debated. That is not right, and it needs to stop. If it doesn't, we will not address this issue and the American people will continue to suffer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, we finished a fourth vote on the tax extenders bill. As the great baseball philosopher, Yogi Berra, said: ''It's deja vu all over again.''

Here we are getting ready to vote and just finishing a vote for the fourth time on the motion to proceed to the House tax extenders bill. As I said, it is deja vu all over again and yet again.

The vote, I believe, was 51 to 43, so very short of what it takes to get business done in the Senate, which is to work a bipartisan agreement so we have more than 60 votes to get business done. This is a no-brainer, in this particular instance, to get an extenders bill and the AMT.

The futility of this exercise, which is motivated purely by partisan politics, makes this vote as silly as a ''Three Stooges'' episode. Instead of wasting time on such a silly exercise, the Senate Democratic leadership should be working on negotiating a bipartisan deal with Senate Republicans that can be signed into law by the President. The American people do not want another futile vote on tax extenders.

They want a bill that will be signed into law. That would provide the American people with the tax relief that is needed.

The extenders vote we had has already failed before. Albert Einstein famously stated the definition of ''insanity'' is doing the same thing over and over and expecting different results. The Senate Democratic leadership has already done the same thing too many times and, of course, today sought to do it again. This is a waste of everyone's time. Everyone can see through the Democratic leadership's strategy for what it is: a partisan political exercise, designed solely to get 30-second sound bites for political ads.

Let's stop this nonsense. Let's work out a bipartisan compromise on the tax extenders bill. Let's reach agreement in a form that can be signed into law by the President. The President made it very clear today that he is not willing to sign what we had before us a few minutes ago into law. Of course, what I am asking is that the Senate Republican leadership has been trying to urge the Senate majority to move in this direction.

The Senate Republican leadership has made numerous offers to the Senate Democratic leadership to try to find a way to break the logjam on tax extenders. So far, our colleagues on the other side of the aisle have been unwilling to enter into a bipartisan agreement on a tax extenders bill that even attempts to address legitimate concerns of the minority party in this body.

As the Senate Democratic leadership engages in pure partisan politics by bringing up the tax extenders bill for yet another vote, the chairman of the Democratic Senatorial Campaign Committee is probably grinning like a Cheshire cat, thinking of all the 30-second campaign ads they will be able to make. However, the people of New York are not grinning because they are not getting the benefit of any of these tax relief provisions. All the tax relief provisions that are very important to the American people, including even to the people of New York, are being held hostage as part of the political game of the Democratic Senate leadership having vote after vote on cloture to stop debate for whatever reason.

Some of these important tax relief provisions are the alternative minimum tax patch, the deduction for the State and local sales tax, the deduction of tuition expenses, and the deduction for expenses of school teachers. How is anybody going to find fault with the fact that these provisions should have been done a long time ago? In fact, the AMT patch should have been done because, since the first of the year, taxpayers who have had to file quarterly tax payments have been violating the law if they haven't taken into consideration that there are 24 million American families right now hit by the alternative minimum tax. That figure would include 3.1 million New York families. The provision for the State and local sales tax would help almost 11 million families. Also, the deduction for expenses for tuition and fees would help over 4.6 million families. In addition, the deduction for expenses of school teachers would help 3.4 million Americans. These hard-working taxpayers are more important than a 30-second sound bite to be used in the next campaign because of political games that are being played.

The bottom line is, when we have 24 million people being hit by AMT, 4.6 million people on the deduction of college expenses, and 3.4 million people hit by increased taxes because school teachers will not be able to deduct supplies from their income taxes, real Americans are being hurt while political games are being played, when everybody in this body knows the only way we get things done is in a bipartisan way.

The biggest divide between Republicans and Democrats regarding tax extenders relates to the issue of offsets, also known as revenue raisers, or I think we ought to be more intellectually honest and call these tax increases. In other words, tax increases on Americans generally to provide the extension of some policy that has been on the books for decades.

My party's position has been clear on this issue. We are perfectly willing to use offsets that make sense from a tax policy perspective to pay for new tax policy. However, tax relief provided by extending existing tax policy or expiring provisions, or somebody may call these sunset provisions, we do not feel they should have to be offset. We should not be raising taxes in order to pay for the extension of existing tax policy.

One reason I care about this issue is that there is currently a bias in favor of using this as an excuse to bring in more money to increase the size of Government. The pay-as-you-go rules apply to expiring tax provisions which are not built into the revenue base. On the other hand, if you have sunset of appropriations, these are built into the spending baseline. Therefore, in order to extend expiring tax provisions, the pay-go rules require an offset, and that happens to be a big tax increase. Whereas, if you have extensions of expiring appropriations provisions—in other words, spending provisions—they do not need to be paid for by decreased spending in other areas because they are assumed in the spending baseline. Therefore, pay-as-you-go rules apply to the extension of expiring tax provisions, but in an intellectually, inconsistent way do not apply to the extension of expiring spending provisions.

This inconsistent treatment makes no sense—intellectually inconsistent; I say to the taxpayers of America, intellectually dishonest. It is biased to create ever larger Government. The money the American people earn, after all, is their money. We should only take the money from them that it truly takes to run the Government. We should not be using sunset tax provisions as an excuse to increase taxes, and that is all it is.

In addition, the Democrats' desire to use permanent offsets to pay for an extension of temporary tax provisions is extremely problematic. It creates a situation where the permanent offsets that can be agreed to on a bipartisan basis—in other words, the low-hanging fruit all gets used to pay for the extension of temporary tax provisions.

Under the Democrats' tax side only, pay-go obsession, once all the low-hanging fruit is used—and we are rapidly approaching that point—then the choice becomes much uglier for them and much uglier for the American taxpayers. The choice becomes whether to extend existing tax policy that has broad support by increasing taxes in areas that will hurt Americans.

Nobody advocates the inconsistency of the pay-as-you-go rules more than the famed House of Representatives Blue Dogs, and they are all Democrats. The Blue Dogs portray themselves as fiscal conservatives. We agree with the Blue Dogs' goals of fiscal responsibility. They will have allies all over my side of the aisle if they want to control spending. The problem is the Blue Dogs are pursuing the same old tax-and-spend game under the cloak of fiscal responsibility. The Blue Dogs will fight tooth and paw over any tax relief that is not offset with a corresponding tax increase.

However, the same self-described fiscally conservative Blue Dogs are not willing to fight tooth and paw to seek the same equality for the taxpayers on the spending side of the ledger. They have a big appetite for spending. The Blue Dogs generally do not seek to offset spending increases with spending cuts in other areas. But in taxes, it is a whole different story. In fact, the Blue Dogs do not even seek to curb the amount of spending increases for which they hunger.

By portraying themselves as fiscal conservatives, while in reality playing the same old tax-and-spend game, the Blue Dogs remind me of the land shark character played by Chevy Chase on ''Saturday Night Live.'' This was many years ago, so maybe some of you will not remember. But we have a picture of the land shark skit with the theme from ''Jaws'' playing in the background.

The land shark knocks on a person's door. With the door still closed, the person would ask: Who is at the door?

The land shark would reply: Flower delivery.

The person answering the door then said: You are that clever shark, aren't you?

And in response, the land shark said: Candygram.

If you don't know how the skit ended, the person eventually let the land shark in the door because that person believed the land shark when the land shark said he was a dolphin. And, yes, the land shark ate that person.

The moral of the land shark story is, don't let yourself be fooled that the Blue Dogs are fiscal conservatives because they are pursuing the same old tax-and-spend Washington game. Don't let the House of Representatives Blue Dogs' insatiable appetite for spending swallow the much-needed tax relief contained in the tax extenders.

I recommend that folks take a look at the cover story of the June 14, 2008, edition of the National Journal magazine about the Blue Dogs. It is very enlightening.

In trying to reach a bipartisan agreement on tax extenders, my party's leadership has made several offers to the other side's leadership. One of these offers is to pay for some new tax policy using offsets that make good tax policy sense. This is not simply a vague promise to look for such offsets. For instance, I have suggested we use the offset that closes the loophole that allows hedge fund managers to defer compensation for tax haven jurisdictions.

My time is up.

Mr. President, I ask unanimous consent for 4 more minutes.

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

Mr. GRASSLEY. I thank the Chair.

So we have offered something like closing a loophole that allows hedge fund managers to defer compensation in tax haven jurisdictions. However, we need to remove the huge charitable loophole that is contained in both the Democratic House and Senate extenders bill.

Let me try to explain something that is not explainable. I would be embarrassed if I had this in one of my bills. This charitable loophole allows hedge fund managers to deduct 100 percent of their deferred compensation that is donated to charity. In contrast, the ordinary American is only permitted to deduct charitable contributions of up to 50 percent of his or her income for that year. Everyone is obviously in favor of charity, but treating wealthy hedge fund managers better than the average American taxpayer makes no sense from a tax policy standpoint.

Also, the Senate Republican leadership suggested that some of the other new tax policy could be paid for by decreasing the scheduled increase in new spending, but that was not taken into consideration, even considering the fact that the present budget authorizes an increase greater than $350 billion over the next 10 years, and none of that is offset.

This extra $350 billion is like an extra checkbook that Congress is carrying around in addition to its already fat checkbook. This checkbook covers nondiscretionary spending and current levels of discretionary spending. We simply asked that they take a few checks out of this extra checkbook—not all of it, just a small part of it—to pay for some of these needed tax relief provisions. However, this suggestion was summarily dismissed.

My colleagues on the other side of the aisle are unwilling to even consider decreasing their increased nondefense discretionary spending that is above the President's budget. If the Blue Dogs of the other body are fiscal conservatives, they should come out and say they are willing to decrease this increase in the new extra nondefense discretionary spending. Instead, the Blue Dogs' position has been that all of the tax relief provided in the tax extenders package, even the extension of the existing tax policy, must be offset by an equal amount of tax increases on every other American. Why not look at curbing this new excess spending to pay for part of the much needed tax relief? So let us get back to square one. I invite my Blue Dog friends who claim to be fiscal conservatives to answer that question.

Back to where we started today—back to Yogi Berra. He also said: ''It ain't over 'til it's over.'' This extenders vote failed because our colleagues on the other side of the aisle have refused to negotiate toward a bipartisan bill that can be signed into law. Because of the Senate Democratic leadership's doomed plan, this extenders discussion ''ain't over 'til it's over.'' Let's get this over with. Let's negotiate toward a bipartisan agreement that can become law so the American people will benefit. So far, the Senate Democratic leadership has not done that. For that reason alone, people did vote ''no'' on cloture, as they previously had.

Mr. President, I yield the floor, and I thank the Senator from Ohio for allowing me the additional 4 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that our half-hour be divided equally, with the first 15 minutes for myself, and Senator NELSON of Florida the other 15 minutes.

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

The Senator from Ohio is recognized.

DOHA ROUND OF WTO TALKS

Mr. BROWN. Mr. President, the Doha Round of World Trade Organization—the WTO—talks broke down yesterday. Given the tremendous problem with this Nation's trade policy, I don't know of many Ohioans who are going to be very upset, and I don't know of many of my colleagues who will be too troubled about World Trade Organization trade talks breaking down either.

The impasse at the WTO is no different from the pause we are in right now when it comes to trade. Americans are rightly skeptical about the course we are on when it comes to trade policy, and Congress reflects that skepticism. In the 2006 elections, voters all across the country told those of us in Congress, Republicans and Democrats alike, that they wanted a timeout on trade; that they wanted to see us go back and look at the success and failures of the North American Free Trade Agreement, the Central American Free Trade Agreement—so-called CAFTA and NAFTA—and they want us to look at what PNTR—Permanent Normal Trade Relations—with China has meant. They want us to look at Colombia, and Peru, and Panama, and South Korea, and what those agreements might mean to our country.

It is pretty clear that Americans are not satisfied with the status quo of NAFTA, CAFTA, and WTO-modeled policies. One reason is our severely unbalanced trade relationship with the People's Republic of China. When it comes to competing with China, Ohio workers and manufacturers are playing with one hand tied behind their back. We shouldn't be playing under these rules.

Athletes at next week's Olympics will not be playing by these rules. Maybe there is a lesson there for the Chinese Government, for the United States Government, and for our trade policy. Workers, like athletes, can compete with anyone—good athletes and certainly American workers can compete with anyone where there is a level playing field and the rules are not rigged. But manufacturers and workers in Ohio are struggling to compete while our Government too often stands idly by while China games the system over and over and over.

This problem is urgent, as a new report from the Economic Policy Institute shows. This report finds that the United States is hemorrhaging manufacturing jobs at an alarming pace. Nothing new there. More than 366,000 jobs were lost last year alone because of our trade deficit with China—366,000 jobs in 1 year because of our trade relationship with one country. In all, EPI counts 2.3 million jobs lost to the China trade deficit since China joined the World Trade Organization less than a decade ago.

Unless China raises the real value of its currency—the yuan—by at least an additional 30 percent, and lets it float on the international currency exchanges, as most countries do, the United States trade deficit and job losses will continue to grow.

Labor rights are also a factor. The AFL–CIO estimates that repression of labor rights by the Chinese Government has lowered manufacturing rates by as much as 80 percent. To put it in perspective, my office receives at least two or three TAA certifications a week—trade adjustments from the Trade Adjustment Act on workers losing their jobs because of international trade. We receive from the Labor Department at least two or three TAA certifications a week for Ohio manufacturers. Each of these certifications represents, in most cases, hundreds of workers and their families.

What happens to a community when there is job loss? Think about a community. I was speaking to a gentleman from Tiffin in the last hour. Think about the town of Tiffin, or Chillicothe or Wilmington or Finley or Mansfield—towns of 15,000, 20,000, 30,000, or 50,000 people. When they lose a plant, a manufacturing installation—or what is

happening with DHL in Wilmington, which is way beyond that—even if they lose a plant with 300 or 400 workers, think about what it does, not just to a worker and his or her family, but what it does to the community at large, with the layoffs of police officers and teachers and firefighters, because there are significantly fewer jobs in a community of that size.

Last week, it was Ceva Logistics in Miamisburg that we got a TAA certification about—near Dayton; Acuity Lighting in Newark, and more Delphi workers. The same old story with Delphi and what has happened in the last year in Moraine, OH—again, near Dayton.

Yesterday, we got a TAA notice about Acklin Stamping Company in Toledo. The Labor Department certified that an increase in imports caused Acklin to lay off workers.

That was last week and yesterday. But how about today and how about tomorrow? Probably more TAA notices, because we get two or three almost every week. Probably more today, tomorrow, and next week, again because of a failed trade policy.

On my desk, I have a stack of auction notices from small tool and die manufacturers going out of business in my State and across the country. These notices are going-out-of-business sales. They are notices offering the sale of equipment from machine shops not just in my State but all over the country.

This week, I spoke with the CEO and the family owners of Norwalk Furniture in Norwalk, OH, a community between Cleveland and Toledo. We are trying to keep this 105-year-old company in business. Norwalk workers are represented by the Teamsters and United Steelworkers. It is a company playing by the rules, paying good wages in a small town in Ohio, with good benefits, trying to stay competitive despite having the deck stacked against it because of our trade policy with China.

Again, American companies are playing with one hand tied behind their back. China's undervalued currency and weak safety and environmental standards put American furniture manufacturers such as Norwalk at a huge disadvantage. Like many Ohio businesses, Norwalk Furniture can compete with China. It can and has competed with foreign competition. That is not the complaint. The reason manufacturers such as Norwalk Furniture are struggling and pleading for a change in trade policy is that they can't compete while the U.S. Government—the Bush Commerce Department, the Bush U.S. Trade Representative—stands by and allows China to game the system.

We see what these plant closings do to communities, which is why not only Norwalk Furniture is fighting back, but Mayor Lesch and others in Norwalk are joining them in this struggle. The trade deficit with China costs manufacturing jobs, and not just low-skilled jobs, as is commonly thought.

One very salient point from the EPI report is that it is not only apparel jobs we are talking about, and not only relatively low-wage jobs. We are getting into high-tech products, many integral to our defense industrial base. The report finds that more than a quarter of last year's record trade deficit with China was due to advanced technology products.

Last year, a $68 billion deficit in advanced technology products was responsible for more than 25 percent of the total United States-China trade deficit. Since 2001, the flood of advanced technology imports from China eliminated 561,000 United States jobs in computer and electronic products. So we are not just talking about textile and apparel jobs.

EPI also counts more than $8,000 in lost income for displaced workers. People who support U.S. trade policy—President Bush, Vice President CHENEY, the Republican leadership in this body—say: Well, yes, prices are low as a result of U.S. trade policy, but when companies such as shoe manufacturers move out of the United States or a steel manufacturer moves out of the United States, I don't see steel or shoe prices dropping necessarily. So I don't know if that argument holds water.

Even if you concede it might affect prices some, EPI counts more than $8,000 in lost income per displaced worker. So what does that mean? It means someone working at American Standard in Tiffin, OH, or someone at the old Westinghouse plant in Mansfield, where I grew up, or a GM worker in Dayton or a DHL worker or ABX or ASTAR in Wilmington, when they lose a good-paying job making $30,000, $40,000, $50,000, or $60,000 a year, the next job they have on the average makes $8,000—if they can find a job—makes $8,000 less than they were used to making. And lower prices don't give you much of a break when you have a new job at $8,000 less than your old job.

Proponents of China PNTR or NAFTA like to say that the jobs displaced from China are replaced with export-oriented jobs that pay better, or jobs in the service sector that pay better. Again, not true. The truth is that wages earned in United States export heavy industry paid 4 percent less than the jobs displaced by Chinese imports. So when we lose these jobs to Chinese imports, it is costing our workers that $8,000 we were talking about. Even if we are exporting some to China, the amount we are exporting to China versus the amount we are bringing in obviously is a huge chasm. It is the better paying jobs that are moving offshore or closing because of a flood of Chinese imports.

The failure of the WTO talks could, in fact, be a blessing. The DOHA talks long ago became more of a threat than an opportunity to American farmers and to American workers and long ago represented more of a threat than an opportunity for sustainable development abroad for our trading partners.

We have an opportunity now, because of the failure of DOHA, to step away, to evaluate what is working and what is not working and start again with a new trade model—for New Jersey, the State of the Presiding Officer, and for my State. I have introduced legislation, S. 3083, the TRADE Act, which evaluates our Trade Agreements Program, which allows for renegotiation and which sets forth principles for future trade deals.

In my State, in the last year and a half, I have held about 110 roundtables in 75 of Ohio's 88 counties where I gather a group of 20 or 25 people, a cross-section of the community, and listen to them talk about their hopes and dreams and what they wish and hope for in their community and what they are fighting for, for their families and their communities. Few issues in these roundtables get workers and businesses, Democrats and Republicans—and I don't know people's party affiliations at these roundtables—few issues get them as worked up as our unfair trading relationship with China in deals such as NAFTA and CAFTA that protect Wall Street investors but don't protect labor, don't protect safety, don't protect the environment.

We have an opportunity, in the coming months and especially next year with the new President, to renew a consensus on trade. I look forward to working in my caucus and across the aisle on a better approach to trade policy for our workers, for their families, for our communities, and for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NASA

Mr. NELSON of Florida. Mr. President, yesterday was the 50th anniversary of the National Aeronautics and Space Administration. I want to recall that after the space shuttle *Challenger* went down 22 years ago, in a Nation that was shocked because the very symbol of technological prowess had exploded in front of our own eyes on our television screens, the President addressed a mourning Nation and noted that even out of that tragedy, we have grown accustomed to wonders in this country. He observed that we had been so accustomed to all of that technological achievement, it was almost as if it was a Sunday afternoon drive in the car. As President Reagan said, it is hard to dazzle us. But America's space program has been doing exactly that. Now for 50 years it has been dazzling us, even in times of loss and even in times of tragedy.

Fifty years ago, it was President Eisenhower who signed the National Aeronautics and Space Act and created

NASA. Fifty years ago, in 1958—remember the context of history. The Soviets suddenly took the high ground. The Soviets shocked us because they put the first satellite, sputnik, in orbit. Here, time after time, with the old Navy Vanguard rocket, it would explode on the pad. It was not until the President went to a group of Germans—who were here because we, the United States, had gotten to Peenemunde, Germany, before the Soviets did and got about two-thirds of those German rocket scientists, headed by Wernher von Braun. So years later, the President goes to Wernher von Braun, as America's prestige was on the line because we couldn't get a rocket off the pad, and Wernher von Braun said: Give me 6 months. With the Army Redstone rocket, he put up America's first satellite—Explorer. It was in that historical context that the Congress wrote this new act that set up NASA.

Then, after we had been beaten in space by the Soviets with the first satellite, we were beaten in space by the first human in orbit. As a matter of fact, we didn't even have a rocket that had enough lift capability to get the Mercury capsule into orbit because it was that same Redstone rocket that we put the *Mercury* capsule on for Alan Shepard to go into suborbit. It was in that context that President Kennedy, after we had been shocked again with the Soviets putting up Gagarin for one orbit and then a few weeks later we put up Alan Shepard only into suborbit, it was at that point that the President, who is the only one who can lead America's space program—that President, in 1961, President John F. Kennedy, set the goal. He gave the vision. He said we are going to the Moon and back in 9 years, before the end of the decade. It was a bold challenge. He did that in front of a joint session of Congress: Send a human to another celestial body. Here we had not even gotten into orbit with John Glenn.

It was 10 months later, on an Atlas rocket—which was an ICBM. It was not rated for humans. We knew it had a 20-percent chance of failure when John Glenn climbed into that *Mercury* capsule, and then we were off on that space race. The skeptics did not think it could be done. They certainly didn't think we could go to the Moon. But NASA's *Mercury*, *Gemini*, and *Apollo* missions were all designed because of that bold stroke of leadership and that vision of a young President.

Nine years later, on July 20, 1969, the President's dream became a reality when *Apollo 11* landed on the Moon. Who can ever forget those immortal words: Houston, the Eagle has landed. And who can ever forget those words as the commander of that mission, Neil Armstrong, climbed down the ladder of those spindly spider legs of the *Apollo* Lander, when he said: That is a small step for man, but that is a giant leap for mankind.

Since then, we have flown the shuttles, we have built the space station, we have explored Jupiter and Mars, and we have had Rovers all over Mars. Indeed, it looks as if there was water on Mars. As we continue to explore the heavens, if there was water—and when we eventually get there with humans—with water, was there life? If there was life, how developed was it? If it was developed, was it civilized? And if that life was civilized, what happened? What can we learn as we explore the heavens in order to be better stewards of our planet, protecting our planet and this civilization that is on this home called planet Earth?

I am quite excited, as America celebrates NASA's 50 years of history, that we are now preparing to chart a new course into the cosmos. I am excited about the wonders that await us. There is hope for space settlements and perhaps that discovery of life elsewhere in the universe. It is going to be a page-1 story when suddenly there is some kind of transmission that we intercept that indicates there is intelligent life elsewhere in the universe.

Mr. President, you and I—our human minds cannot conceive the enormousness of the universe. When we look at the size of our solar system around the Sun and we understand that there are billions of other solar systems just in our galaxy and then try to comprehend that there are billions of other galaxies—can you imagine that in a far-distant galaxy, there is another star, similar to our Sun, with planets rotating around it, that has created the climatological conditions that have brought forth the life here on this planet? Given the infinite expanse of the universe—it is going to be quite interesting when we have some discovery of an intelligent message from somewhere else in the universe. This is the excitement of the future.

As we look back on the accomplishments of 50 years of NASA, we can look with great pride, but excitement, to the future. This is the promise of a new President of the United States making a bold declaration of our understanding and exploration of the heavens.

As President Kennedy promised all those years ago, science and education have been greatly enriched by the new knowledge of our universe and of our environment. Life here on Earth has improved by leaps and bounds from the spinoffs of the space technology—the space tools, the computers, the miniaturization—all of this which has been adapted to our daily lifestyles and to industry and to medicine and to our individual homes. America's space effort has created scores of new high-tech companies and hundreds of thousands of jobs. Simply put, we all reap the harvest of gains from our exploration of space. That is why now, at this watershed point of where NASA is going in the future, that is why we cannot cede our leadership in space or waiver in our support for our space program.

There is another reason we undertake the risk and invest in space exploration.

It is not the pure science, it is not the technology spinoffs, it is not the high-tech workforce, or it is not that we want to extend human civilization beyond our planet. We do it because it is in our character and our nature as a people. We are, as Americans, explorers by nature.

In the past, we always have had a frontier. As this Nation developed, it was a westward-expanding frontier. Now that expansion is upward. It has been said that there are two fundamental differences between humans and other species. As humans, we have souls. As humans, we are curious. It has also been said that the exploration of space is a testament to these differences. Curiosity, which is unique to humans, drives us to explore, and our soul gives us meaning to this endeavor.

As we celebrate 50 years of NASA's history, let us continue to be a bit overwhelmed. Let us be dazzled again. That concludes my comments on NASA. I have some other comments on a different subject unless we are in some restriction here on the time.

The PRESIDING OFFICER. The Senator has 2 minutes 40 seconds remaining.

Mr. NELSON of Florida. When one of our colleagues comes to the floor, I am told that I can continue until that time.

SAMUEL SNOW

I want to share with the Senate the tragedy of a fellow named Samuel Snow, Samuel Snow, 84 years old, African American. The time is 1944 and he is part of the U.S. forces in a military installation in Seattle, WA. It is an installation where there were Italian prisoners of war. Somehow a riot breaks out, and in the course of this riot in the prisoner of war camp, one of these Italian prisoners of war is lynched, and the African-American U.S. soldiers are charged. They are summarily dismissed. They are put in jail. For a year, Samuel Snow was put in jail. He was then dishonorably discharged, all the time maintaining his innocence.

As he was discharged dishonorably, he went back to his hometown of Leesburg, FL. The only work he could get was that of janitor. Yet he was so respected in his neighborhood he became the neighborhood handyman. He married his high school sweetheart. They had children. He raised that family.

In 2005, a journalist in Seattle, WA, an investigative journalist, dug into this situation and found that Sam Snow had been railroaded and showed he was innocent. Now, you can imagine all of those years after that.

Then the Army, the U.S. Army, to its embarrassment, decides it is going to reverse the dishonorable discharge and give him an honorable discharge. And oh, by the way, out of their generosity of heart, they decide they are going to pay him his annual wage for the year he spent in the military prison, so they are going to cut him a check of $725.

Well, when this Senator found out about that happening to a Floridian,

this Senator about went into orbit again, and, of course, not only writing to the Pentagon but having direct talks with the Secretary of the Army in front of our committee, the Joint Chiefs of Staff. All of them came back and said: Well, the law is that we cannot pay any more. We cannot pay even what we were asking for.

At least give him the cost-of-living adjustment for those 60 years of his military pay that he was denied. They say: No, we cannot do it. The law does not allow it.

Well, we put it in the Defense authorization bill. It is before the Senate. And as soon as the Senate will finally take up the Defense authorization bill, we will pass it out of here. It is already in the version of the House that has passed the House. It will become law.

But let me tell you the sad ending to this story. Last Saturday, Sam Snow and his son Ray traveled to Seattle for the ceremony conducted by the U.S. Army to give him his papers for his honorable discharge. He became ill in Seattle before the ceremony. His son went in his place. His son received the honorable discharge, brought it back to his dad, and with a big smile on his dad's face, his son read him the honorable discharge from an incident, a terrible mark upon the U.S. Army that had occurred 60 years before.

I am sad to tell you that 3 hours later, Sam Snow passed away to go on to be with his Maker. He is still owed that back pay, and he is owed more than some $725. This Senator, when we pass that Defense authorization bill, is looking forward to the day that that sum, adjusted, will go to his grieving family.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLEAN BOATING ACT OF 2008

Mr. NELSON of Florida. Mr. President, until another Senator has come to the floor to seek recognition, I have another subject I have been waiting patiently to speak on, and we have been so busy on the floor that I have not had a chance to speak on it.

This is another good news story. We have finally passed, by the Senate working together across the aisle, bipartisan, we have passed a bill, we have passed legislation, and it is anticipated that it will be signed shortly by the President into law, averting a total disaster where the Environmental Protection Agency, pursuant to a judge's decision in Federal court on the west coast of the United States, the EPA was going to require a permit of every little recreational boat owner for any kind of runoff from that boat, whether it be in washing down the deck, whether it be the bilge water, whether it be water coming out of an outboard motor, whether it be trying to scoop out the water filling up in a little motorboat. Whatever it is, they were going to require, for the 23 million recreational boat owners, 2 million of which are in my State of Florida, they were going to require going to the EPA in order to get a permit.

By working it out on both sides of the aisle in a bipartisan fashion, we were able also to get a delay of an additional 24 months for commercial vessels under 79 feet and all commercial fishing vessels regardless of size.

All of this came from the decision of a judge who was trying to protect the interests of the United States. Because what happened is these foreign vessels that come in with ballast water in order to weigh down a vessel before it then comes to the United States and takes on cargo that weighs down the vessel would then dump this water that was there for ballast in the waters of the United States. The problem was they would take on water elsewhere in the world that was contaminated, and a certain kind of snail was one of these contaminants that would then go into any kind of drain under the water and start to clog up the drain. So there was clearly an environmental interest to be protected against all of these big commercial vessels bringing in this foreign ballast water that was contaminating our waters.

But the fact is, the court's ruling became so expansive that it said in incidental runoff from little recreational boats, you are going to have to get an EPA permit as well.

Fortunately, common sense prevailed and we have been able to overcome that. We passed it in the House and the Senate. It is on its way to the White House. Presumably the President will sign this momentarily and it will be law, averting this disaster that was about to occur in September where all of these recreational boat owners and the commercial small fishing vessels were going to have to get this EPA permit.

That is a commonsense story. It is also a good news story. I wanted to share that with the Senate. I thank the folks who have worked with me on this legislation, particularly the chairman of the Environment Committee, Senator BOXER, and Senator MURKOWSKI of Alaska, who helped work with us with regard to the commercial fishing vessels that were 79 feet and less. I am glad to bring this good news to the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

9–1–1 SERVICE

Mr. NELSON of Florida. Mr. President, I have the opportunity to clear the decks today with another speech I have been waiting to give. Since one of our colleagues is not coming, I am going to take advantage of this lull of the Senate and, since a Senator is walking in, I will make it short.

A tragedy occurred in Florida about 4 years ago, when a child in Deltona, FL, which is north of Orlando, started choking. The mom raced to the phone and dialed 9–1–1 and then she ran back to the child when she could not get anyone to answer on 9–1–1 to help the child. But it was to no avail. And what we found out was, in fact, this was a voice over the Internet telephone conversation and that, in fact, there was no emergency 9–1–1. So for the last 3 or 4 years, some of us have been trying to make sure there is a mandate for 9–1–1 service on a telephone that happened to be transmitted over the Internet instead of over the normal telephonic wires. Happily, I can say to the Senate we worked that legislation out. It was comprehensive. We worked out the differences between the House and Senate. On another happy occasion, the President invited a bunch of us to come down for a signing ceremony. I'm happy to say that in the future, when anybody runs to a telephone to dial 9–1–1, it is not going to be the technical difference of that phone. They are going to know it is hooked up to emergency services. That is my good news story.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

RURAL GAS CRISIS

Mr. BOND. Mr. President, I thank my colleague from Florida for filling in for me while I was caught up in a radio interview.

We are here today to talk about a real crisis, a rural America crisis. Rural America is suffering a gas price crisis. Rural America deserves action now to get gas prices down. Rural America knows this fundamentally is a problem of not enough supply to meet demand. We need to find more oil and use less to bring the real gas price relief rural America needs. Families, farmers, truckers across rural Missouri, my home State, are suffering record pain at the pump. At kitchen tables in the farmhouses of rural Missouri, farmers, dairy producers, and cattlemen are facing a gas price crisis. Farm costs are higher than ever. Farm fuel to run tractors and farm equipment is at record levels. Transportation costs to get goods to the market are at a record level. The ability of consumers to buy products is under record pressure. People are seeing higher food prices because food has to travel. The average item on the grocery shelf travels 1,300 miles. Record-high

diesel prices are adding to the price of food goods in the store.

All this means real suffering for rural Missouri and its farmers. Down country roads of rural Missouri, rural families are facing a gas price crisis. They have to cut budgets hit hard by high gas prices. Many of these families live in rural areas because they are of modest means. Maybe they are looking for cheaper housing than offered in big cities. Maybe they are fixed-income retirees staying in their own hometowns. Either way, when it comes time to cut the family budget, the cuts will go extra deep.

What will these rural families cut because of higher gas prices? With the school year coming, they have to get the kids to school. Will a rural family give up buying new clothes for their kids? Will struggling fixed-income seniors cancel doctors appointments or cut back on medication?

Truckers across Missouri are facing a gas price crisis. Many trucking firms are based in rural areas, where land and fuel were cheaper, but record diesel prices are hammering truckers and trucking companies. Mom-and-pop trucking firms are laying off drivers. Some are even going into bankruptcy. Many rural families and workers also depend on airlines for service and jobs. Airlines are facing record-high jet fuel prices. That is forcing airlines to lay off workers and cut back service. Many of the blue-collar workers who moved back to maintain planes and service airports are being affected.

American Airlines, for example, is set to eliminate some 6,500 jobs because of record-high oil prices. Airlines also cut low-volume routes to rural areas first. Airlines are trying to manage rising fuel costs by using the financial markets to hedge against risk. But their experts tell me the main problem is a fear that there will not be a supply there in the future. They say if the U.S. Government would take steps to increase supply, it would bring about a huge change in the market and bring prices down immediately. Why? Because the current price being paid on the hedging market for oil to be delivered in 3 years depends upon their expectation of what the demand and supply will be in the years ahead. Right now there is every reason to think that if we do nothing, if we are prevented from getting a gas price reduction bill that provides more and allows us to use less through this Senate, the price will not be just $140 a barrel. The price will not just be $185. It will be $200 or $250. So people's retirement plans, such as CalPERS, California Public Employees Retirement System, are bidding up the price in the future because they don't expect supply to go up. Bringing that price down will make a difference. It will make a difference in the price of oil today, just as President Bush's ending of the Executive moratorium on offshore drilling brought the price down from $145 to $120.

Bringing the price down could make a real difference between keeping jobs and service in rural America and letting go thousands of workers. The suffering of rural Missouri families, farmers, and truckers is why we are fighting so hard to lower gas prices. We are fighting to open new supplies of oil needed to get prices down. Real action to lower gas prices is the most important thing we can do to help rural America and rural Missouri. Fighting for real action to lower gas prices is the most important thing I could do to help rural Missouri. I have amendments to force gas prices down by opening new offshore oil reserves waiting for us. I filed an amendment to lower gas prices by opening access to the 18 billion barrels of oil waiting for us off America's Atlantic and Pacific coasts. These reserves could supply America with 10 years of additional oil supplies, if we would only allow ourselves to use them to change a 30-year policy the Democrats have imposed, that Senator OBAMA continues to champion, of no drilling, no refineries, no nuclear power. The decision to open our offshore oil reserves would immediately cause the price of oil to fall.

We know that because this happened earlier this month, when President Bush reversed the Executive ban and brought the price of oil immediately down $10 and, now, $20 a barrel. Nothing hurts speculators bidding up the price of oil more than news of additional oil supplies coming in the future. Congress must do our part to lower gas prices even further by opening new offshore reserves. However, the Democratic Party is blocking the Senate from considering my amendment to tap offshore oil reserves, even as I speak. I also cosponsored an amendment with several Senate colleagues to tap offshore oil reserves in the eastern Gulf of Mexico. There are almost 3 billion barrels of oil in the eastern gulf waiting to help bring gas prices down for rural Missouri. Unfortunately, the Democratic leadership is also blocking consideration of this amendment.

I also agree we must help America use less oil. I have an amendment that would relieve the pressure on gas prices by increasing conservation. My amendment would aggressively promote advanced vehicle batteries and their production in the United States for hybrid, plug-in hybrid, and electric vehicles. My amendment would provide new funds for hybrid battery research and development, battery manufacturing equipment and capabilities, and re-equipping, expanding or establishing U.S. domestic manufacturing facilities for hybrid vehicle batteries. U.S. domestic mass production of hybrid batteries would get battery prices down, getting the hybrid vehicle prices down. But most importantly, it would give our auto companies access to the batteries we need. Right now many of the batteries have to be brought in from Asia. As the demand for more batteries goes up in Asia, I can assure my colleagues that American auto companies will not necessarily be first in line to get that production. We need to put American workers to work building the batteries, the advanced batteries that will go into the electric cars, the plug-ins, and the hybrid plug-ins. This would not only conserve oil. It would give jobs to blue-collar manufacturing workers and help the environment. It is going to be good for Missouri when we do it. The question is when.

Missouri is a national leader in hybrid car production, in batteries, and advanced vehicle batteries. We make traditional batteries across the State because we are the leader in lead. We mine a lot of lead in Missouri. When you are talking about environmental dangers, yes, lead has some dangers to it. There is only one simple reason we mine lead in Missouri, and that is because we have 90 percent of it in the United States. When people tell me they don't want to drill for natural gas because they don't like the sight of natural gas wells, but they have the natural gas, I say: If you will trade us your natural gas for our lead, I would be happy to let them drill in my backyard.

But Missouri, with all the battery specialists, the technical workers we have, the scientists, is on the cutting edge of battery technology, with firms developing safer, stronger lithium ion batteries. We are also home to a hybrid SUV assembly plant in Kansas City. This success does not have to be limited to Missouri. Communities across America can share in the drive to establish a domestic manufacturing supply base for mass hybrid car construction.

Rural communities, especially, can benefit from the good-paying manufacturing jobs that U.S. mass battery production would provide. Rural school districts would benefit from new tax revenues. Rural police and firefighters would benefit. Unfortunately, as I said, Democrats are blocking Senate consideration.

Now, what answers do my colleagues on the other side of the aisle have for rural America? Well they propose making things worse by suing oil-producing countries.

Folks back home in my part of rural Missouri may not know much about antitrust laws—most folks don't—but anyone with common sense would know, if you sue someone, they would likely take what they have and sell it to somebody else.

I guess this was an idea cooked up by trial lawyers who are eager to sue anybody they can. As you might imagine, there are not too many trial lawyers in rural Missouri.

Democrats also proposed raiding our emergency oil supplies in the Strategic Petroleum Reserve. Putting aside the fact that these emergency reserves are only meant to be used in times supply is cut off, such as during a war, this plan would only produce 3½ days of additional oil.

So while Republicans are offering rural America 10 years of additional oil

supplies, Democrats think rural America should get by on only 3½ days of extra supplies. This lack of sympathy for taking real action may be based on the fact that a lot of Democrats are fine with higher oil prices.

After all, the Democratic nominee for President, Senator OBAMA, said the problem was not that gas prices were so high, the problem was merely that gas prices had risen so quickly. That is akin to telling people it is OK to drown as long as the water rises slowly.

Today, in Springfield, MO, the Democratic nominee suggested we all make sure we properly inflate our tires. Big deal. I believe in all tires being fully inflated. But, frankly, that is the kind of hot air—this hot air being into tires—that we have been hearing too much of on this floor.

Rural Missouri is suffering record pain at the pump, and the best thing he can come up with is more hot air—this time for our tires. Rural Missouri deserves more than the hot air from the Illinois Senator.

Senator MCCAIN has come out very clearly and strongly in support of drilling, of exploring, of developing nuclear power.

We tried last year. Congress passed the largest increase in auto fuel efficiency requirements in a generation to bring down gas usage. Well, that did nothing to prevent record-high prices. That is because it will take years before more fuel-efficient cars are required. The Democratic candidate for President must want us to suffer through record-high gas prices until those conservation measures kick in.

I support increasing conservation, but we must not force a prescription of pain on America while we wait years for these conservation measures to kick in.

The Democratic candidate for President has suggested another stimulus package to help drivers through this price crisis. I am sure Missouri rural families would be happy to receive a few hundred dollars more in stimulus relief. But what they want is not to get a check from the Government—after the handful of tanks of gasoline that money could buy is spent—they want to bring down the price. They will be right back where they are, paying the full price of record-high gas prices, and we will do nothing but increase our deficit.

Rural Missouri and America deserve more than a prescription of pain to address the gas price crisis. We deserve more than half measures that will only produce a few days or months more of additional supplies. Rural Missouri deserves more than a Senate attempting to abandon them and this gas price crisis by moving on to other issues.

Rural Missouri and the people of America deserve real action now to lower gas prices. That means new offshore oil supplies to get prices down, new offshore oil supplies for Missouri families, new offshore oil supplies for Missouri farmers, and new offshore oil supplies for Missouri truckers. That is our only real hope for real gas price relief.

I urge my Senate colleagues to let us act on it and act now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

MONTANA NATIONAL GUARD

Mr. TESTER. Mr. President, I wish to begin by noting that, again, it is fire season in Montana.

Right now, major wildfires are threatening homes in a small town called Red Lodge. The Cascade fire has been burning and has burned about 6,000 acres. It is burning uncomfortably close to the Red Lodge Mountain ski area.

The hot, dry weather forecast over the next week means there are likely to be more fires and more acres of rangeland and forest lost.

Fire season in Montana officially runs from August until the first snow in fall. So, once again, we are off to an early start.

Wildfires are becoming a fact of the West. We accept it. We deal with it.

The good news is Montana is blessed with outstanding firefighters from the U.S. Forest Service, Tribal Nations, and the State Department of Natural Resources, as well as first responders from local volunteer and paid fire departments.

When they need reinforcements, they turn to the Montana National Guard. Last year, more than 200 guardsmen were mobilized to help fight wildfires in Montana. While no guardsmen have been mobilized yet this year, it will happen at some point—just as they are mobilized every year to protect people and homes, dig out fire lines, smother embers, and provide all manner of hands-on support to this team effort.

There are not too many jobs in this country where the work is as varied as service in our National Guard. This summer we can expect that hundreds of National Guardsmen in Montana and throughout the West will be mobilized to help fight wildfires. It has already happened in California, where the Governor called up 200 Guardsmen.

This is a vital role in our Nation's homeland security.

And just as the Guard answers the call for homeland security missions, they answer the bell when it comes to national security.

In 2004 and 2005, more than 1,500 of my State's National Guard deployed to Iraq. They did yeoman's work over there, and we can all be very proud of their service and grateful for it as well. Today, there are nearly 23,000 National Guardsmen serving in Iraq and Afghanistan.

Another 3,000 Guardsmen from all over the country work hard to protect our southern border, helping the Border Patrol get a better handle on securing that border. Four hundred Montana Guardsmen were a proud part of that important effort earlier this year.

So as the National Guard in Montana prepares for the inevitable mobilization fight against wildfires here at home, I think it is appropriate we stop to thank the 3,500-strong members of our Montana National Guard for what they do both abroad and here at home.

As wildfires continue to threaten Montana's countryside and our communities, I wish to pay tribute to all the brave men and women who put it on the line to fight our fires.

ENERGY

Mr. President, I wish to comment on the energy debate we have been having in the Senate. Every Tuesday morning, for 2½ hours, I get to preside over this great body, and I get to hear folks from both sides of the aisle talk about issues of importance.

The energy debate has been particularly intriguing because I have seen folks on the other side of the aisle hold up signs that talk about drilling more and using less.

They are quick to support oil production. But on the other hand, they will not support alternative energies or conservation methods. They talk about drilling more as if it is going to change the price of gasoline tomorrow.

The fact is, the United States has less than 3 percent of the world's reserves of oil. We use 25 percent of the supply. As far as drilling goes, we are drilling now like there is no tomorrow. In fact, in Montana, you would be hard-pressed to find a drilling rig if you wanted to punch a hole.

In Montana, we have offered over 3 million acres of leasing since 2000. We have increased our oil production two and a half-fold. We have drilled 4,870 wells in the last 5 years. Yet we continually see the price of oil go up and up and up. Why? Well, a lot of it has to do with the fact that the major oil companies last year made hundreds of billions of dollars off the consumers' back.

What can we do? What can we do to help bring the price of oil down? Sure, we are going to continue to drill, and I support that effort. But we need additions to our energy portfolio. If we continue to rely on oil as our chief supplier of energy, we are going to be continuing to be beholden to Saudi Arabia and OPEC forever. That ought not be the direction we go.

My good friend, my comrade, Senator BAUCUS, put forth a tax extenders bill earlier today. Yesterday, we had a chance to vote on one from the House. They were both defeated. They were not allowed to move forward. There was a majority, but there was not 60 votes.

What was in that tax extenders bill? One of the things that was in it was a renewable energy tax credit extension, a continuation that would put more energy in the marketplace.

As shown on this chart, we can see what happens when we have the wind energy tax credit. The yellow bars indicate that. The orange bars indicate when it does not happen. If we have the wind energy tax credit, wind energy production goes up, and there is more

energy in the marketplace. When we don't, it does not.

Because of the vote that was taken earlier today, you will see a decrease in wind energy production—a big mistake for this country, not very visionary.

Because of the vote that took place earlier today, we not only will see wind energy grind to a halt, we will see geothermal—which we have a tremendous opportunity for throughout the country, particularly in Montana—we will see biomass, landfill gas—we have an electrical cooperative in northwestern Montana, Flathead Electric Cooperative, that is talking about capturing methane gas off the landfill to produce energy, getting something from nothing—we will not see any of that stuff go on because of the defeat of the tax extenders bill.

In that tax extenders bill, there were also long-term extensions of tax credits for solar energy and fuel cells. Solar energy: getting our energy from the Sun to help replace some of that oil from the Middle East—not going to happen. Folks talk about corn ethanol and how they don't like it. I am not one of them. But I do think we need to get the second generation of ethanol production, cellulosic ethanol. There was a credit for property in that tax extenders bill that was not agreed to earlier today. That will not happen; a biodiesel tax credit. I have talked about a camelina provision in the farm bill for biodiesel, and there are other opportunities in all sorts of oilseeds out there. The biodiesel tax credit does not happen because we did not pass that bill Senator BAUCUS offered earlier today.

Carbon capture and storage technology to make our coal burn cleaner. In Montana, we are the ''Saudi Arabia'' of coal. We have an incredible opportunity. But without good technology to capture carbon and store it, we will never be all we can be. It would make us more energy independent.

Talk about producing more here at home: Drilling is part of the equation. But an even bigger part of the equation could have been to pass that tax extenders bill earlier today.

Let's talk about using less.

In that tax extenders bill, there were energy efficiency tax credits to help make our homes more energy efficient. It is not going to happen. There was a credit to reduce idling for truckers—that we all see happen—to save transportation fuel. It is not going to happen.

You want to talk about using less? There was a bicycling tax credit for those folks who want to ride their bicycle to work rather than to drive. It will not happen.

There were incentives for geothermal heat pumps in our homes that use less energy with more consistency. It is not going to happen.

There were energy conservation bonds for States and local school districts. The list goes on and on and on.

I ask myself: Why? Why does it have to be this way? Why aren't we looking to the future? Why are we not talking about more than drilling? The fact is, we are drilling. We are drilling an incredible amount of land in this country. It needs to be a bridge. But it needs to be a bridge to somewhere this time. If we put forth the renewable energy components that are in the tax extenders bill, we will have a future. We will have a future of affordable energy.

I ask my comrades to pass that tax extenders bill. It is incredibly important. It is not just because of energy that it is important.

SECURE RURAL SCHOOLS

Finally, I wish to talk about the security of rural schools. These are payments to Montana's rural communities and forested counties that have an incredible amount of public lands.

The Secure Rural Schools dollars are important not only for the school but also for our roads and our rural counties. Montana is rich in public lands. Consequently, it puts more pressure on property taxes of private property in those counties. With the Secure Rural Schools money, it gives those rural and forested counties the opportunity to meet the needs of the kids in these rural districts and to meet the needs of the transportation industry in those rural districts. We all know that less money for rural schools means lower teacher pay, bigger classroom size, fewer activities, and students start to fall behind.

County road workers right now are being laid off. I spoke with the head of the Montana Association of Counties. He said to the counties: Take your budgets and utilize them as if this money is not going to happen because it is not until we pass the tax extenders programs.

We had the opportunity in this body today and yesterday to pass a good bill that meets the needs of America's families, small businesses, and the economy. It was not passed. There are all sorts of excuses for it, but they are simply that: excuses. We need to move forward with some proactive thinking in this body. I hope the next time this bill hits this floor, it is passed and passed by a large margin.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized following the presentation by the Senator from Minnesota.

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today with much dismay over the fact that we were not able to pass the energy extenders, the tax extenders, the package of important provisions for our country's economy because of this obstructionism on the other side.

Let me tell my colleagues why this was so important to me. We only got four Republican votes for this package. I think it is outrageous when you look at what we are dealing with. This week we are going to be memorializing the tragic, tragic, tragic fall of the bridge in the middle of Minnesota. I am going to speak to that tomorrow and do a fitting tribute, along with Senator COLEMAN, to the victims of that bridge collapse and to the first responders who saved so many lives, and to the reconstruction work that has gone on thanks to the help of this Senate. I live six blocks from that bridge, so it means a lot to me.

I said the week the bridge fell down that in America, a bridge shouldn't fall down in the middle of the Mississippi River, especially not on an eight-lane highway, especially not on one of the most heavily traveled bridges in the State, especially not at rush hour in the heart of a major metropolitan area. Unfortunately, however, it took that disaster to put the issue of infrastructure funding squarely on the national agenda, and it is long overdue. That is why I was so disappointed that in this important bill was $8 billion to replenish the highway trust fund of this country, to replenish that fund. Mr. President, 400,000 jobs in this country are at stake in that bill that was voted down by the other side.

Look what is happening in this country with our infrastructure. Let's take the issue of bridges. Nationwide, bridges are deteriorating far faster than we can repair or replace them. About 78,000 bridges across the Nation are structurally deficient. What does structurally deficient mean? When inspectors evaluate a bridge, they examine the bridge's deck, superstructure, and substructure. Each of these components is ranked on a scale of 0 to 9, with 0 being failed and 9 being excellent. If the deck, superstructure, or substructure is given a 4 or less, the bridge is classified as structurally deficient.

In June of 2006, the I–35W bridge's superstructure—meaning the physical conditions of all structural members—was rated at a 4. The bridge's deck was rated at a 5, and the substructure, comprised of the piers, the footings, and other components, was rated as a 6. A bridge is shut down if any of its parts are rated at a 2.

Then we have another 80,000 bridges across the Nation which are functionally obsolete. What does functionally obsolete mean? That means they don't meet today's design standards, they don't conform to today's safety standards, and they are handling traffic far beyond their design. Fully one-quarter of America's 600,000 bridges have aged so much that their physical condition or their ability to withstand current traffic levels is simply inadequate. These bridges require immediate attention.

I can tell you since our bridge fell on that summer day on August 1, we have had a number of bridges shut down, close down in our State, including one

that handled a lot of traffic in St. Cloud, MN. There was one in Winona, MN, that was actually on the Federal stamp from our State that was temporarily closed down and is going to have to be rebuilt.

We are seeing this across the country. We are seeing a need for infrastructure funding. At a time when our economy is facing such difficult times, I see this as an investment, not only in the long-term viability for our country's transportation system but also in jobs. That is why I am so disappointed that the other side was willing to turn their backs on 400,000 existing jobs, much less add new ones, by turning down that $8 billion replenishment of the highway trust fund.

It was President Kennedy who once said that building a road or highway isn't pretty, but it is something our economy needs to have. I can tell you beyond the bridges in metropolitan areas, nowhere is that truer than in rural America. We are seeing a rejuvenation because of the energy economy right now in rural Minnesota as we are in so much of rural America. Senator TESTER from Montana talked about this. We are seeing biofuels, whether it is biodiesel, ethanol, moving to cellulosic ethanol; whether it is wind or solar. We are third in the country in Minnesota with wind energy—third in the country.

I have seen jobs such as in Starbuck, MN, where a group of 10 people decided to quit their jobs and go work for a solar panel factory. They were so proud of their work they had me jump up and down on those solar panels to show that they can withstand hail damage, and they did.

I can tell you this: We are seeing these jobs and we need courage in Washington that matches the courage of these employees in Starbuck, MN, or in Pipestone—the courage of these employees who are willing to see a better energy future, while this body on the other side is willing to shoot it down by shooting down those tax extenders for energy. This is the wave of the future. This is the way we are going to be investing in homegrown energy and in the farmers and the workers of the Midwest instead of the oil cartels in the Mideast.

So it is about the energy extenders for me in my State and across the country, but it is also about the transportation funding that came in replenishing that highway trust fund. When you start building this energy economy, with the wind turbines and with the biofuels in the trucks going across these roads, you are going to put more stress on the roads and the rail in rural America. If we are going to move to the next century's economic system, we can't be stuck in the last century's transportation system.

I will give some examples. The ethanol plant in Bentsen, MN, now has over 525 fully loaded semis hauling the ethanol from their plant every week. This is a 45-million gallon facility. Their production falls about in the middle of our biodiesel facilities in Minnesota.

SMI Hydraulics is a company in rural southwestern Minnesota that manufactures the bases for the wind towers you see all across our country. This is a company that started as a barn. The wind towers they manufacture actually come out of the side of the barn as they are employing dozens of people right in this little town. The heavy trucks that bring the steel to the company put a heavy burden on the road as they travel and are putting durability to a test. This truck travel and the need for more rail travel is part of our transportation future, but when the other side shoots down our ability to even replenish the highway trust fund, we are not going to be moving in the right direction for our economy. We are not going to help these rural people to develop the true energy economy they need to develop.

In his 1963 ''Memoir for Change,'' President Eisenhower famously said:

> More than any single action by the government since the end of the war, this one would change the face of America.

He was talking about the interstate highway system. Its impact on the American economy, the jobs it would produce in manufacturing and construction, the rural areas it would open up were beyond calculation. Well, he was right. Just as he was right back in 1963, we know he is still right in 2008. So the gall to turn down the replenishment of that highway trust fund and to stop America as we try to head to the new energy future—other countries are leapfrogging us because they have government policies in place that mandate these green jobs and move in the right direction—is plain wrong.

The one last thing I wish to say is there is one way—as we look to jump-starting the economy right now, as we look at solving our oil crisis and our dependency on foreign oil and our spending of $600,000 a minute on foreign oil—and that is the President. He doesn't need the Congress. He can complain about Congress all he wants, but the President of the United States can actually release barrels of oil from the Strategic Petroleum Reserve. He can do it right now. He could do it in the next hour. We can look at what has happened in the past: 1990 to 1991, 11 million barrels were released; 1996 to 1997, 28 million barrels were released to reduce the Federal debt. In 2005, 21 million barrels were released after Katrina. We can look at how full the petroleum reserve has been. In 1993, 79 percent full; in 2001, it was 74 percent full. Well, right now, in 2008, it is 97 percent full. So this President, on his own, could simply release the barrels of oil from that Strategic Petroleum Reserve.

We are the home of Northwest Airlines in Minnesota. The CEO there, Doug Steenland, has spoken with me many times. Tens of thousands of customers have sent e-mails saying we want to stop this speculation and we want to do something about helping Americans and helping these companies with oil prices. One way to do this immediately is to release some of the barrels of oil, 97 percent full, from that Strategic Petroleum Reserve. If you even go down to 90 percent, you could inject $6 billion into the American economy and help to bring those oil prices down. This is up to the President. He could do it with one signature on one document. He doesn't need us passing a bill to have to deal with these guys and their filibuster. He could do it himself.

So in addition to passing these tax extenders, to getting our green energy economy going and doing something about that highway trust fund so another bridge doesn't fall down in the middle of America, this President, himself, without even one vote from Congress, could release barrels of oil into the American economy and help not only customers but also help the businesses in this country who are finding it harder and harder to compete as we see the price of oil escalate.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

REMEMBERING FREDDIE HUTCHINS

Mr. WEBB. Mr. President, I rise today to extend my condolences to the family and friends of Mr. Freddie Hutchins who passed away suddenly yesterday, on July 29. Freddie served on my staff since my election. He managed my Roanoke Senate office. He was a tremendous individual with a great deal of promise. I had selected him from a number of very talented people down in southwest Virginia to run this office. He passed away, as I said, suddenly only at the age of 26.

Freddie was a product of southwest Virginia. He grew up in Botetourt County. He was very heavily influenced by his grandfather, who was a very active Democrat and railroad man, a union man down in southwest Virginia. He was known for having made himself a business card at the age of 13 saying Freddie Hutchins, Democrat. He loved the rich culture of southwest Virginia.

He represented the values that characterize that region. He loved his country. He had a great sense of service and a determination to work hard. He developed a very early interest in politics. He was a C–SPAN enthusiast at a young age. Before joining my office, he had worked for State Delegate Onzlee Ware as a legislative aide and had been active in a number of political campaigns.

He was a tireless and vocal advocate for working people in this country. He was committed to social justice and was someone who was always eager and enthusiastic to help people.

He was one of the most honorable and friendly individuals I have ever had the pleasure of knowing. He was a mainstay in that community and had a very bright future. I had always assumed that Freddie Hutchins would be running for elective office in the near future. He was a friend to all who knew him.

Again, I express my condolences to his mother Karen and the rest of his family and all of those whom he had reached out and done so much with and for over the years. He will be greatly missed.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. What is the status of the floor?

The PRESIDING OFFICER. There is 4 minutes 40 seconds remaining for the majority in this block of time.

Mr. REID. For how long?

The PRESIDING OFFICER. The time is alternating 30 minutes between the majority and the Republicans.

Mr. REID. I am going to use leader time now, and I ask unanimous consent that the Democrats' 4 minutes be preserved.

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

The majority leader is recognized.

Mr. REID. Mr. President, we over here, the mighty band of Democrats, with the majority of 1—there are 51 of us and 49 of them—trying so hard to do something on energy. We have been trying for months now. I think we have done some things that would be good for the American people but for the fact that the Republicans have basically objected to everything we have tried to do.

What have we tried to do? We introduced S. 3044, called the Consumer-First Energy Act. It has some tremendously powerful things in it that relate to what the American people's problem is today: high gas prices.

In that legislation, we talk about price gouging. Do we have any reason to have in a provision of law an element that we can go after companies that price gouge? Of course. The oil companies, during the Bush years, have had net profits of $609 billion. So our price-gouging provision was, we thought, very key in doing something about energy.

In S. 3044, we had something dealing with the oil subsidies the oil companies have received, that perhaps they should be cut back. They are making these huge profits. In this bill, we had a provision that was bipartisan and has been pushed by Senator KOHL of Wisconsin and Senator SPECTER of Pennsylvania—NOPEC is what it was called. It was a proposal to have the OPEC cartel be subject to the Sherman Antitrust Act. That seems reasonable, since these countries have the absolute ability to so easily lock in prices and determine what prices are going to be charged around the world. Senators KOHL and SPECTER thought this was good legislation, and so did we. That is why we put it in our legislation.

We also had a provision in our legislation dealing with speculation. I will talk about that later. We not only had it in S. 3044, we had freestanding legislation dealing with speculation.

We also had in S. 3044 something dealing with a windfall profits tax, which should be part of the law of our country today. The American consumer agrees with that.

Mr. President, Senator BINGAMAN also prepared legislation, which has now been filed at the desk. It is very good legislation. We were asking for help from the Republicans and got none. Senator BINGAMAN is one of the most astute, hard-working, creative, and smartest Senators we have ever had in this body. In that legislation, S. 5135, we had some really good things. It wasn't ''take it or leave it'' legislation. With the 68 million acres the oil companies have, it called for due diligence. It said: With the 68 million acres you have, let's find out what you are doing with it, why you are not drilling in some parts of it, and report to the Interior Department and find out what is going on with that land. It is typical of Senator BINGAMAN because it was well thought out. Rather than the provision that some were talking about—use it or lose it—Senator BINGAMAN believed that was appropriate, and that is why he went through the trouble of coming up with this legislation.

He also had something in the bill that would be important which deals with building codes, making it so that in the future, when things are built, when construction takes place, it deals with the environment. There is so much that can be done to save huge amounts of electricity if we had buildings built properly.

We also had a provision on which the Senator from Minnesota spoke so eloquently which said that we want you to take the great resource we have—the more than 700 million barrels of oil we have in our Strategic Petroleum Reserve—and we want you to announce to the world that we are going to start using some of that. We are going to start using that to bring down the price of oil. We know it works. We know it works because the President's father did it, and it brought down the price of oil. We have asked that this be done on other occasions, but we put it in this legislation Senator BINGAMAN came up with.

The airlines tell us it is important to bring down the prices. The airline companies need to have oil, for these companies to be able to succeed, at about $100 a barrel. That is high, but they could succeed with that. Anything over that is a tremendous losing proposition for them. This would bring the price of oil down to at or near that price. But we got no suggestions from the Republicans that they cared about this.

Also, I thought what Senator BINGAMAN did was very important. He said there is about 25 million acres of land that is available now to be leased for oil exploration. All the administration has to do is tell the Interior Department to issue leases on it. It has already been determined that it has tremendous oil potential. Much of it is on- and offshore in Alaska. It would add another 25 million acres to the 68 million acres the oil companies already have.

There were other provisions in the Bingaman bill—good pieces of legislation. Again, we had no takers on that from the Republicans.

Today, we voted on H.R. 6049, and, of course, that was defeated because of another cloture motion that was necessary to be filed because of a Republican filibuster. The same with the Warm in Winter and Cool in Summer Act, S. 3186, LIHEAP. It was filibustered, and we weren't able to proceed to that. That is really unusually harsh. I have heard the Senator from Vermont talk about that on numerous occasions. I told him that more people die from exposure in the summer than in the winter because they become dehydrated. We need to have the ability for the old, disabled, and poor to have air-conditioning. In the winter, of course, they need heat. But this was rejected by the Republicans.

We asked—because it was certainly bipartisan every step of the way, the NOPEC bill, the Specter-Kohl bill—that we move to that alone. That was S. 879. It was rejected. Again, the Republicans refused to let us do that.

We had the Stop Excessive Energy Speculation Act, which we have dealt with for several weeks now. I spoke the night before last to the President of United Airlines. He said he has no question in his mind that one reason the oil prices have gone down by the barrel in recent days is because we are debating and talking about speculation. This would work. The Republicans have been listening to the monied interests of this country and have refused to allow us to do this.

Then, of course, today, we had the issue of the so-called extenders bill on which Senator BAUCUS worked so hard. It was rejected. It had many good provisions in it. He worked hard to try to get bipartisan support. There was disaster relief in it. There was finally something in there that we could pass to do the mental health parity, which is so long overdue. We had a provision to reestablish money that has been taken out of the highway trust fund, which is so important—to reestablish that. People are losing their jobs.

The most significant thing, from my perspective, in that legislation—even though there was much more—was that it would do something now, today, about taking care of the energy crisis in this country. It is not Al Gore, former Vice President of the United States, talking; it is T. Boone Pickens—from a different political party and persuasion than Al Gore—saying we have to move to renewables. That is what this legislation is all about, creating hundreds of thousands of jobs,

construction jobs and other jobs, that lessen our dependence on foreign oil. As T. Boone Pickens said, ''You can't drill your way out of this crisis.'' We were blocked on that.

Mr. President, in the newspapers all over America and in other parts of the world, Thomas Friedman's column is running today. He is a person who has won all kinds of prizes around the world for his writing. He has had three bestselling books. For weeks, his books have been No. 1 on the New York Times bestseller list. He writes with great preciseness, and he is right to the point. Here is what he said today:

Republicans have become so obsessed with the notion that we can drill our way out of our current energy crisis that reopening our coastal waters to offshore drilling has become their answer for every energy question.

Anyone who looks at the growth of middle classes around the world and their rising demands for natural resources, plus the dangers of climate change driven by our addiction to fossil fuels, can see the clean renewable energy—wind, solar, nuclear and stuff we haven't yet invented—is going to be the next great global industry. It has to be if we are going to grow in a stable way.

Therefore, the country that most owns the clean power industry is going to most own the next great technology breakthrough—the E.T. revolution, the energy technology revolution—and create millions of jobs and thousands of new businesses, just like the I.T. revolution did.

Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th-century fuel, remind me of someone back in 1980 arguing we should be putting all our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the ''PC'' and ''the Internet.'' It is a strategy for making America a second-rate power and economy.

Mr. President, earlier this week, on Monday, I offered the Republicans, on the speculation bill, four amendments, and we would have a like number. That was rejected out of hand—offer made and they rejected it.

Yesterday, right after the Senate opened, Senator MCCONNELL said to me: How about six amendments?

I said: I am happy to discuss amendments, but I am through discussing amendments unless we pass the extenders bill.

That was clear language. I said it directly, and I meant it. I am speaking for 50 other Democratic Senators. I am speaking for my caucus.

So Senator MCCONNELL said: Well, fine, we will have Senator BAUCUS, chairman of the Finance Committee, and Senator GRASSLEY, the ranking member, work on this.

I said that Senator BAUCUS said Senator GRASSLEY has no authority to do anything.

He said: Yes, he does. I will instruct him that he has all the authority in the world.

They met for 2 hours last night. The only thing Senator GRASSLEY wanted to discuss was having all of these extenders not paid for. So we are right back where we started. So that is gone. That was turned down overwhelmingly. The Republicans didn't support the extenders. So that is where we are.

My caucus demands that we focus on something to really make a difference: renewables, creating hundreds of thousands of jobs—Friedman said millions; I am saying hundreds of thousands within the next few months. It will make a cleaner environment, and it will be good for the economy.

Mr. President, that is where it is. That is where it is.

Again, as Thomas Friedman wrote:

Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th century fuel, remind me of someone back in 1980 arguing that we should be putting all our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the ''PC'' and ''the Internet.'' It is a strategy for making America a second-rate power and economy.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. Yes.

Mr. DURBIN. I wish to address a question to the majority leader through the Chair. I ask the Senator whether yesterday we brought to the floor an opportunity for the Republicans to join us in a bipartisan way to come up with a clear package of incentives for renewable energy, energy that we need now and for future generations, and yesterday when that measure came to the floor as it originally passed the House of Representatives, I ask the majority leader what the support level was on the Democratic side and whether there were more than four Republican Senators who joined us in that effort.

Mr. REID. All Democrats supported it, a handful of Republicans, mostly those who are in very difficult Senate races, I might add, for reelection.

Mr. DURBIN. That is one of the reoccurring themes. When four or five Republicans join us, it is because many of them are facing a tough reelection.

I ask the Senator from Nevada, today when we brought this measure before the Senate again, incentives for renewable energy, we included in it $8 billion for the highway trust fund, which can be attributed to 400,000 good-paying American jobs. We also included the mental health parity bill, which has been a bipartisan bill that has been sought by this Senate for maybe a decade. It has certainly been a long time. We included as well an extension of the exemption for the alternative minimum tax so middle-income families would not face higher taxes.

I ask the Senator from Nevada what kind of support we had from the Republican side of the aisle. If I am not mistaken, only five Republicans, four of whom are up for reelection in November, joined us in that vote.

Mr. REID. The Senator is absolutely right, absolutely right. I can't express how the Republican Party, as I have always known it—when I went into politics, I had the idea that the Republicans were the party of fiscal responsibility. That has long since gone. We are going to have a deficit this year of about a half trillion dollars, and that isn't a fair view of it because they are using the Social Security trust fund to offset and make the deficit look even smaller.

But I also will say this: Big oil during the Bush years has made a $609 billion profit—$609 billion. The Republicans side with big oil every step of the way. They have done it in all this energy legislation. They are beholden to big oil. Everyone knows that. I think it is time we start talking about something that will help; that is, we need to move to have energy created by the Sun, wind, geothermal, and we need to do it as quickly as possible.

That is where we are. I have said on a number of occasions—I said it earlier today—there was a lot of activity on the Senate floor—understand, Mr. President, where we are. Because the Republicans have blocked everything—they have blocked energy for old people, sick people, disabled people; they have blocked everything we have tried to do here—we have a decision. They can make the decision. We have been fortunate enough to finish the Higher Education Act. We have been fortunate to finish consumer product safety. Both conference reports are finished. We can do those in the next couple of days. We can move to the Defense authorization bill. It is up to the Republicans what they want to do. But if they want to be here during August, more power to them because we will be here with them. We all have things to do, longstanding obligations during August, but those can be changed. If people want to debate during August the Defense Authorization Act, that is fine. They can go out and hold their press conferences that they would rather be doing something on drilling, drilling, drilling. They can continue to do that, or we can come back in September—there is going to be a bipartisan summit on energy prices, and maybe by the August recess, maybe some of my friends will be more willing to do some actual compromise.

Legislation is the art of compromise. If the art of compromise is not present, we cannot get the business done. There simply has been no compromise from my friends. That is why we have faced almost 90 filibusters.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I am joined on the Senate floor by my colleague from Wyoming. I ask unanimous consent that we may engage in a colloquy.

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

COST OF ENERGY

Mr. ALLARD. Mr. President, I had an opportunity to speak on the floor this past week a number of times and speak in committee about the cost of energy, about pain at the pump. I am of the view that we need to act now.

My position on energy has always been that we should not take anything off the table; that is, we need renewable energy, we need to have energy

from whatever source we can derive—oil and gas, nuclear energy. We need to concentrate on our efforts to try to produce more energy. We need more. That is not the entire solution. We also need to consume less. We need to encourage conservation everywhere we can.

That is why I have signed onto bills such as the Gas Price Reduction Act of 2008. This bill says we begin to open deep sea exploration, where we go out more than 50 miles from the coast, and that we begin to drill in those areas and share the revenues with the States that are involved. Under our proposal the Governor petitions to allow exploration, and he does that with the concurrence of the State legislature. A portion of funds generated would even go to the Land and Water Conservation Fund in addition to States, with other funds going to the general fund.

Also, in the particular legislation I mentioned, we talk about Western State oil shale exploration. This resource would provide more than three times the oil reserves of Saudi Arabia, this oil shale is found in Wyoming, Utah, and Colorado.

The legislation I have signed onto says we also look at ways of trying to create conservation, such as electric cars and trucks, and focus our attention on better batteries so we can create an electrical supplement to the use of liquid fuel, whether it is a truck or car, and create some efficiencies on the highway. In the case of cars, as much as 60, 70 miles to the gallon with an augmentation from an electrical source. For these efficiencies to happen batteries are a key technological advancement that has to occur, and it has to occur at a price that consumers can afford. In this bill, we put our efforts into coming up with that type of a battery.

In addition, we try to do what we can to strengthen U.S. futures markets. That means increased funding for staff to the Commodity Futures Trading Commission, and it directs the present working group to study the international regulation of commodity markets. Remember, on commodity markets, it is not just an American market, it is international. We have to be careful how we disrupt the markets as we do that. If we are not careful we can create a real disadvantage to Americans and not really help in the supply of energy.

These are the types of actions that will make a difference in the price of oil and gas because we increase the supply. That is our problem; we don't have enough to meet worldwide demand. Because of high global demand we need to work not only in this country but also in other countries to spread the idea of conservation.

I have to tell you, Mr. President, the suggestion from the majority leader that somehow if we just stand on the floor of the Senate and talk about more rules and regulations on the commodity markets, somehow that is going to bring down the price of gas, I happen to think that just talking doesn't bring about action. But I do happen to believe that action does create a reduction in the price of oil at the gas pump.

I credit most of the recent price reduction to the President because he actually took action, which was to take the moratorium off the Outer Continental Shelf. This took us closer to allowing for exploration for more energy sources out in the deep ocean. Because of that, the markets did respond. I don't believe it was the debate on the Senate floor where we just talked, because the markets looked and said the President took real action to repeal a regulation, making it easier for us to extract energy out of the ground.

That is the kind of action in which this Congress needs to participate. It is action that needs to happen now, not 30 days from now, not a week, not a day. The sooner we act, the better it is because people every day are feeling the impact on their daily lives of high energy costs.

I recently participated in a press conference where we had people who are involved with supportive programs for the poor. They said because of the high cost of food, it is making it difficult for them to meet their goals and objectives and to keep their budgets within what they allocated at the first of the year. They are having all sorts of supply issues when it comes to feeding the poor and the disadvantaged in this country. We heard from all aspects of the various agencies and religious groups that make it part of their mission to provide for the hungry in this country.

We heard from truckdrivers today. I was at a press conference where we heard from truckers. When you think about it, renewable energy obviously works pretty good if you are talking about power lines. What kind of renewable source do they use in trucks? Ethanol, perhaps, might have some uses for trucks, but basically they are locked in with one source of energy right and that is diesel.

The only way we are going to bring down the price of fuels to the truckers who provide medical supplies, who provide food to Americans—they transport all sorts of produce around the country. They haul around all sorts of manufacturing. They deliver our mail. I am trying to think of one commodity that at some point in time does not spend some time on a truck. It is very important that we keep the total prospect. There is not a simple solution. It is not a one-issue solution where we can say: We are just going to focus on renewable energy and the heck with everything else. We need to look at all alternatives. We are having supply problems. We can't take anything off the table. That is what I want to comment on.

I have on the floor with me a Senator from Wyoming, a good friend of mine who is new to the Senate, one of our newest Members, doing a tremendous job for the State of Wyoming. I know that in Wyoming, for example, they have lots of energy. One of the sources of energy they have is coal. The western part of the United States has hard coal, which is very unique. Frequently, it is mixed with soft coal so communities and towns on the east coast can meet their pollution requirements.

In our discussions, there was some talk about the various alternative sources we could look at for clean coal, for example. I was hoping that perhaps maybe my colleague who is on the Senate floor with me can talk a little bit about energy in Wyoming and how their economy is being impacted with the high cost of gas and diesel and what energy potential is in their State.

I yield the floor to my colleague from Wyoming to talk a little bit about Wyoming. We are neighbors. We have very similar environments and very similar natural resources. Senator BARRASSO.

Mr. BARRASSO. Mr. President, I thank my colleague from Colorado. He is absolutely right, Wyoming is a State which has been very blessed—blessed with abundant sources of energy, and certainly coal, natural gas, oil, uranium for our nuclear power, and also wind, a renewable source of energy. So we have lots of different resources with which we have been blessed.

But in terms of coal—and we know half the electricity in the United States comes from coal—what we know is that there is enough coal in Wyoming to power this country for centuries—not decades but centuries. There is that much coal in Wyoming. Coal is available, affordable, reliable, and a secure source of energy for our Nation.

To me, this is about being self-sufficient in terms of our own energy. We are sending so much of the wealth of this great country overseas. Every time we buy another barrel of oil overseas. Whether it is $120, $130, $140 per barrel, that is a transfer of the wealth of our Nation to people who are not necessarily our friends.

Mr. ALLARD. The figure I have seen is more than $700 billion in 1 year's time. That is a whale of a lot of money to be sending overseas, to our enemies potentially.

Mr. BARRASSO. And we have the source of energy here, with the coal, and the technology is incredible. There are ways to use the coal to convert it to electricity and there are other ways to use the coal to convert it to liquids. Aviation fuel. The military uses an incredible amount of fuel. I have amendments I have introduced and am trying to have debated on this floor that deal specifically with converting coal to liquids, to allow us to use that liquid for our aviation.

There is another technology, coal to gas. There is a true visionary in Wyoming. His name is John Wold, 91 years old, and he is here today to visit. His granddaughter works in my office. I

have talked to him for years about the technology of coal to gas, and it is ready to go and available in Wyoming. It is being done in other places around the world, but not yet here. So it is incredible in terms of the available resources we have. But it is not only one source of energy. We need it all. We need the coal, we need the natural gas, we need the uranium, we need the oil, and certainly we need to be more efficient, as my colleague from Colorado has talked about. We need to be energy efficient, but we need the renewables. So we need the transmission lines, but we have plenty of wind in Wyoming.

Look at oil shale. The Senator from Colorado is familiar with that, because Colorado, as well as Wyoming, as well as Utah, is blessed with oil shale. Perhaps I could ask my colleague from Colorado to discuss some of the issues related to that.

Mr. ALLARD. I would be delighted to talk about oil shale. First, I want to address the issue where the majority leader tried to imply that Republicans are interested in only one issue, and that is extraction of oil and gas from the ground. Republicans I talk to on this Senate floor, in my party, understand we need to have a balanced approach. We need to go after all sources of energy. The problem is that on the Democratic side, they only want to go after renewable sources.

I helped to found the Renewable Energy Caucus, and so I understand how important renewable energy is to our future. But we need something to bridge us over, and that is where I think the comments of my colleague from Wyoming are so important, when we are talking about converting oil to liquids or to natural gas. It helps create that bridge. We need to create that bridge by having an opportunity to go and explore for oil and gas in the ground.

One source of fuel in the ground is oil shale, and I think it is important that my colleagues here on the floor understand that oil shale is a huge resource in this country. We have oil shale in the State of Wyoming to a lesser amount than we have in Utah and Colorado, but we have lots of oil shale in Colorado. In fact, most of it is in Colorado. There is a fair amount in Utah, and then a smaller amount in Wyoming. We have different types of oil shale in Utah and Wyoming, and the extraction proposal out of those two States is a little different.

We need to move forward with oil shale, and that is why I am working so hard to get the moratorium off of oil shale because Shell Oil Company and other companies have developed a technique where extraction is environmentally friendly. Utah's oil shale is closer to the surface. It is a higher quality shale which contains lots of oil in one small chunk of rock. What they do is they go ahead and grind it up, heat it, and they extract a heavy type of oil out of that product.

In Colorado, what we are talking about in Mesa and Garfield Counties, for example, is a deeper oil shale. It is a good quality oil shale—not quite as good quality as we see in Utah—and we have a new technology that is being developed there that takes the ground and freezes a perimeter around the section of ground and then heat the middle of it. Basically what you have is a refinery in the ground. So what you extract out is basically a jet fuel that contains sulfur and nitrogen. Obviously, the sulfur and nitrogen has to be refined out, but it is a very good, high-quality product. It is a jet fuel. Then the heavy tarry stuff is left in the ground.

There is no disruption of the surface of the ground other than the fact that you run some pipes in the ground, and you need some water. They have taken out water rights in that part of Colorado to make sure they have water. It is the type of water that can be recycled and reused. So there are lots of conservation aspects to this new technology that is being developed for oil shale. That is why I had the support for the provision that was provided for in the Gas Price Reduction Act of 2008, removing the moratorium we have on oil shale.

The current law says you can't move forward with the regulatory process on oil shale, so it has stopped it dead in its tracks. In the meantime, up to 2 trillion barrels of oil in the form of oil shale is in the ground, and we think, with today's technology, that between 800 billion and 1 trillion barrels is what can be economically extracted out of the ground and made available to us. That is three times all of the oil reserves of Saudi Arabia.

Oil shale is a huge resource, but we need to remove the moratorium that says we can't even go ahead and layout the rules and regulations. Now, why is that important? Because they tell the oil companies what the rules of the game are going to be, what they can expect the royalties to be, what they can expect the price of leasing the public lands to be, and also what remediation requirements are there for cleaning up the environment. When the President removed the moratorium on going after our natural resources through the floor of the ocean, he sent a significant message that he is willing to provide more supply for oil and gas, and that had a positive impact on the market. We need to continue that sincerity the President showed to the American people by taking some real action here on the floor of the Senate, and we need to do that by removing an additional moratorium on drilling off the coast and we need to relieve or take off the moratorium on oil shale so that resource can be developed.

The technology is not going to be developed until about 3 years from now, so it would be around 2011 or later before it is ready to go. But you need to put in place the rules and regulations first. We need that now. Some of the reasons for objecting that I have heard is people will say: Well, it is going to take 10 years to develop. Maybe so. But 10 years from now, are you going to say now is the time? It will still take 10 years.

My point is that the sooner you put this in place, you can begin to prepare this bridge we need to have for today's energy sources to get us to future energy sources, which are the renewables—the Sun, or photovoltaic cells, wind, geothermal, and hydrogen. That is what we are talking about, and that is what this particular piece of legislation provides for.

Citizens in Colorado are being dramatically impacted by high fuel prices. We talked before about the agricultural sector and the trucking sector. Trucking is more heavily impacted than any other area, because in the West, we are big States and we have lots of land to cover to provide our goods and services. I don't know whether the Senator from Wyoming has anything to say about how his citizens in his State are feeling the impact of high fuel prices, but certainly they are being felt in the State of Colorado, and it wouldn't surprise me if they aren't very similar in the State of Wyoming.

Mr. BARRASSO. The people in Wyoming clearly are affected the same way folks in Colorado are in terms of the large distances they have to drive, whether going to see the doctor, or taking the kids to school, or going to shop for groceries. I think statistically, when they look at how many miles on average people drive a year, Wyoming is No. 1 in terms of the longest distances. So when the price of fuel goes up, the price of gas at the pump, the people of Wyoming feel it the greatest because they are driving that many more miles. Many of them have pickup trucks or utility vehicles, because when you are that far away from home during the winter, you need to have those higher profile, larger vehicles. It is a matter of personal safety. It is what we want our kids to be in as well.

So the inflation is there at the pump, but it is not only that. There was an article in the Wall Street Journal this past week about a woman in Casper, WY, who runs a bakery. It is a great bakery, down on First Street, and sheoes a nice job. But the supplies, the cooking things she buys to put in the bagels—whether it is the canned apples or the sugar—everything is up pricewise because it has to be shipped in to be used. So it is the fuel we use in our own vehicles but it is also the fuel that is being used to ship products.

The people of Wyoming are smart. At all these town meetings I have, they get it. They understand there is going to be a change in the energy we use in this Nation, a change in the different sources of energy. The people in Wyoming know we would be wise to be conserving, and we are, and they know we would be wise to be using the renewables that we have a lot of, but they are also wise in knowing we do need to find more and use less; that it is a matter of supply and demand. And until

you can deal with both sides of that equation—not just one side but deal with both sides—people are going to continue to feel the pain not only at the pump but also at the grocery store. So the people of Wyoming get it. They know the importance of the work we are doing here in trying to find solutions that will help America become energy self-sufficient by developing American coal, American oil, American natural gas, American uranium, and American renewable energy sources.

Mr. ALLARD. That is very key. We need to be less dependent on foreign sources of oil, not only for our own economic well-being but also for the security of this country. If we have to rely on our enemies, or possible enemies, to provide us with fuel, that creates all sorts of security problems for this country. So we have to make sure we have plenty of sources for us to meet our military needs throughout the world if we are going to be the Nation's and this world's peacekeepers.

I note that the Senator has a very busy corridor that goes through the southern part of Wyoming, and it is a big trucking corridor. I think nearly every truck going east to west has to go through Wyoming. They like to avoid the high mountains passes in Colorado, so they find it easier driving through Wyoming, and I expect you see quite an impact there in your State.

Mr. BARRASSO. Interstate 80, which runs west to east across the lower part of the State of Wyoming, is a national transportation route where people are taking products from the coastal areas, the ports in California or Oregon, and they come to a pinch point in Utah and then they all get onto I–80, west of the Wyoming border at Evanston, and they come all the way across the State. Fuel prices are high, and the miles are long. People who talk about a 55-mile-an-hour speed limit in this body clearly have not driven across I–80, where a speed limit like that didn't work before when they tried it, and it won't work now.

I served in the State Senate in Wyoming, a great place. On the third floor of the capital building, there is a large mural on the wall which sort of depicts the State of Wyoming. There is a part of the bottom where I–80 is running across it. Even back when this was painted, years ago, if you count the vehicles on the mural, half of them are trucks. Half of them. And I think the proportion now is even greater than half of them being trucks.

Think about all the product that is being moved east and west on I–80, and I am sure you are seeing it in Colorado as well, with people awaiting the delivery of those products across this Nation and paying higher prices for those products because of the fuel it takes to fill the trucks in order for them to deliver the product. So we are seeing that not just at the pump but also in the pockets of consumers.

Mr. ALLARD. I don't see any solution on the Democratic side. They are talking about more taxes on oil and gas production; they are talking about more rules and regulations. I don't see any proposal that says we need to increase the supply, as we do on the Republican proposal, where we want to turn to oil shale, and to the Outer Continental Shelf, and we turn to the futures market to try to put more enforcement there, and we also work on the conservation side with the electric car.

Truckers are small business people, I attended a press conference today with truckers, I was struck by how conscious they were in trying to conserve. They were maintaining their trucks. They had great safety records. They were making sure the air in their tires was optimal so they could improve the mileage on it. The trucker I heard this morning, he was saying that about a year ago he was spending somewhere around $1,200 to $1,300 to make a trip from Virginia to Texas. There are no high mountain ranges such as we are used to in the West but a relatively flat trip. This year it is up around $2,500, $2,600 to make that same trip. It is getting close to double what he was paying last year. That has to have an impact on the goods and services that are provided in this country.

We need to be looking at real solutions. That is the point of this colloquy. That is the point the Republicans are trying to make. Just standing here debating on the floor of the Senate doesn't make a difference. We need to have an opportunity where Republican Senators can put their ideas forward. These need to be in the form of amendments.

We need to pick our own amendments. The majority leader should not be picking our amendments. It happens he wants to dictate that process. This is the Senate. This is where we should have open and free debate. I think if we had an opportunity to debate these amendments on the floor we could change the direction of this country. I think we could change the type of legislation that is being proposed as a solution.

Deep down I believe most Members of this Senate understand this is a supply-and-demand problem and we need to produce more supply and we also need to encourage more conservation. My hope is we will have an opportunity to make amendments to achieve this. I have made some of those amendments in committee and found I had bipartisan support and had commitments from both Democrats and Republicans that would help support my position on taking the moratorium off oil shale and similar moratoria.

We are simply cutting off supplies to this country and we are becoming more and more dependent on foreign oil. We are sending more than $700 billion overseas to potentially our enemies—countries such as Iran and Venezuela, for example, and many of the Arab countries which are marginal friends. We have to admit, they are there one day and gone the next.

We will need to make sure we have the security we need in this country, both economically and from a military standpoint. That means we need more oil and gas and not less. We need to have more energy from all over the energy spectrum and encourage the American people to conserve.

I thank my friend from Wyoming for his contribution to this colloquy. I think he is doing a great job and Wyoming should be proud of him.

Mr. BARRASSO. Mr. President, we started talking a little bit about coal. I wish to say it is not just Wyoming and Montana, coal is abundant throughout the United States. Whether it is Pennsylvania—I see our colleague from Pennsylvania is here. Actually, the whole region of Pennsylvania is called the coal region. He made mention of that. But in West Virginia and Illinois, coal is abundant, it is affordable, it is reliable and secure.

I appreciate the efforts my colleague from Colorado is engaged in, in terms of oil shale—another abundant source of energy that is not being utilized. It is American energy that can be used for the betterment and future of our great Nation.

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

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. I thank the Chair.

### 40TH ANNIVERSARY OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. CASEY. Mr. President, I rise to recognize the 40th anniversary of the Senate Select Committee on Nutrition and Human Needs. Today we recognize the contributions of two members of that original committee, the Senate Select Committee on Nutrition and Human Needs, Democratic Senator George McGovern of South Dakota and Republican Senator Bob Dole of Kansas. Both made and continue to make contributions in the war on hunger.

It was 40 years ago that CBS television aired a landmark documentary entitled, ''Hunger in America.'' This documentary exposed the magnitude of hunger that existed all across the Nation. For the first time, Americans got a closeup look at the true faces of hunger—pregnant women and children who were malnourished, infants dying of starvation, starving tenant farmers living just miles from this Nation's Capitol. Their stories and their faces moved the Congress to try to end hunger.

It was just last month that I was privileged to have the opportunity to sit down with Senator McGovern to talk about the challenge of combating hunger still today. As we were sitting talking, he related to me a story, 40 years later, that still has had a profound effect on him all these years later. The evening of that CBS television documentary broadcast I spoke of, the evening that was on, Senator

McGovern and his family were gathered around the television set watching the documentary. Senator McGovern still vividly remembers the effect one particular image from this documentary had on him at that time.

The image was that of a school-age boy leaning against a wall while most of his classmates ate lunch. The interviewer in the documentary asked the boy how he felt standing there, day after day, watching the other children eat.

His answer was not that he was angry or bitter but, rather, that he was ashamed.

At that moment, Senator McGovern recalls telling his family that he, George McGovern, as a Senator, and not that boy was the one who should have been ashamed. I think what that shows is the humility and decency of George McGovern, first of all. But I think what he tried to convey to me in our conversation was that young person's response in that documentary—a person who was a victim of not having enough to eat—that response had such a profound effect on Senator George McGovern that he returned to the Senate the very next day and began working on a resolution to establish a committee to address hunger in this country. Forty years ago today, that resolution was, indeed, enacted, establishing the Select Committee on Nutrition and Human Needs.

Senator McGovern chaired the committee from the time of its inception in 1968 until 1977, when the committee was absorbed into the Agriculture Committee, the committee we know today as the Committee on Agriculture, Nutrition and Forestry, chaired by Senator TOM HARKIN.

Senator McGovern was committed to exposing the failure of Federal food assistance programs at that time and making reforms to ensure that these programs were reaching those most in need. But knowing this was a goal he could not achieve on his own, he reached across the aisle to form a key partnership with Senator Bob Dole, a partnership and an abiding friendship, I might add, that continues to this very day. Despite their differences, both these men share the conviction that ending hunger is a moral imperative. Working together, Senators McGovern and Dole set out to end hunger in America. Their work helped educate the Congress, the Federal Government, and the Nation at large about the sheer magnitude of hunger in the United States. Over the next decade, they and other members of this unique Senate committee developed a bipartisan response to hunger and laid the foundation of our current food assistance programs.

Among their chief successes was reforming the Food Stamp Program, culminating in the passage of the Food Stamp Reform Act of 1977. This act made the program more efficient and more accessible to those most in need by finally eliminating the requirement that Americans pay for a portion of their own food stamps.

They expanded the National School Lunch Program and made the School Breakfast Program, the Childcare Food Program, and the Summer Food Service Program permanent programs in our Government; and they established the Special Supplemental Food Program for Women, Infants and Children, better known today by the acronym WIC.

Forty years later, the programs that Senators McGovern and Dole championed and shepherded through the Senate have succeeded in eliminating the most serious chronic malnutrition in the United States. Today, nearly 28 million Americans receive food stamps, more than 17.5 million low-income children receive free or reduced school meals, and more than 8 million women and children receive WIC benefits.

The legacy of Senators McGovern and Dole is truly a testament to what can be achieved when we work in a bipartisan fashion on shared priorities that address the basic needs of the American people.

These two men came from vastly different ends of the political spectrum and vehemently disagreed on many other issues, but they came together and both agreed that hunger was and is an issue that transcends partisan politics. The bipartisan spirit with which these two men collaborated to fight hunger has certainly served as a model and a inspiration to me and I know to many others in Congress.

Following their example of bipartisanship, this year on the farm bill we were able to provide a record level of nutrition funding to reform and strengthen Federal nutrition programs. We were able to make key improvements to the Food Stamp Program itself, and we were able to strengthen the domestic food assistance safety net by providing significant increased funding to increase commodity purchases for local area food banks.

But we all know the war on hunger requires constant vigilance and we must recognize that unmet needs still exist in America. Despite the existence of Federal food programs, hunger continues to be a serious problem plaguing more than 35.5 million Americans, including 12.6 million children.

Children are particularly vulnerable to the effects of hunger. Even mild malnutrition can have adverse impacts on health, development, behavior, school attendance and performance and self-esteem as well. In the coming year, we will have an opportunity to have a direct impact on combating child hunger with reauthorization of the National School Lunch Act. This legislation, which is set to expire September 30, 2009, authorizes all Federal child nutrition programs.

One of the most important reforms that can be enacted is to expand the school breakfast program. With 30 million children a day participating in the school lunch program, only one-third or 10 million children receive a school breakfast. We must find innovative ways to reach more of these children to get them breakfast.

There is a direct link between school breakfast and academic achievement, and if the United States is going to compete effectively in a new world economy, we must educate our children and to do that we must provide the best possible nutrition at school.

We must also recognize that many low-income working parents with children are struggling to afford even the low fees charged for reduced-price school meals. According to the School Nutrition Association, approximately 1 million children in this country are eligible for reduced-price meals and yet are not participating in the program due to the cost barrier. We must devise ways to ensure these children, too, are receiving proper nutritional assistance at school and do not fall through the cracks.

But providing adequate nutrition to the children during the school year is only part of the answer. Congress also needs to implement changes to ensure that the millions of children who rely upon school meals are not left behind during the summer. Currently, only 2 in 10 children who benefit from school meals also receive meals during the summer months. We must find ways to make programs such as the Summer Food Service Program more accessible to children, not only in metro areas but in rural areas as well.

Data from the USDA's Economic Research Service shows that as far back as at least 1970, the percentage of children living in poverty in rural areas consistently exceeds that of children in metro or urban areas.

A bill I have introduced with Senator SPECTER, my colleague from Pennsylvania, S. 1755, the Summer Food Service Rural Explanation Act, would lower the threshold for feeding sites in rural areas to qualify for this program.

We hope to help to ensure the availability of summer meals for more of these children living in poverty who happen to live in rural areas. We know that hunger itself does not take a vacation, and we owe it to these children to ensure that the Food Assistance Program does not take a vacation either.

Finally, Congress must continue to improve the quality of all nutrition assistance programs. One of the great ironies of the current challenge is to recognize that hunger and obesity can exist at the same time.

While we recognize we are facing huge Federal deficits, we must refuse to let funding challenges serve as an impediment to these critical changes. There is not a more important domestic social objective facing us in the coming years than to provide adequate nutrition to children across America.

Finally, Senators Dole and McGovern blazed a path 40 years ago when they joined to help fight the war on hunger. They put aside partisanship to bring light to the darkness of hunger. Now is

time for a new generation of leaders to pick up that mantra on behalf of the more than 35.5 million faces of American hunger.

I therefore call upon my friends in Congress, both Chambers, both sides of the aisle, to join me and millions of advocates across this country in a mission to end hunger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments Senator BENNETT be recognized.

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

Mr. CHAMBLISS. Mr. President, I rise to join my colleague from Pennsylvania, Senator CASEY, to support July 30, 2008, as the 40th anniversary of the establishment of the Senate Select Committee on Nutrition and Human Needs.

Forty years ago there was a significant awakening in this country about the issue of hunger and its impact on Americans. As the resolution states, the CBS award-winning documentary ''Hunger in America'' was an important impetus to putting a human face on this situation.

Like many Americans, Senators George McGovern of South Dakota and Robert Dole of Kansas were moved by this documentary, and thus into action. The first step was the creation of the Senate Select Committee on Nutrition and Human Needs. The committee focused on the magnitude of hunger within our borders as well as shortcomings of existing domestic nutrition assistance programs.

For example, the Food Stamp Program required participants to purchase a portion of their food stamp allotment which left many Americans unable to receive any benefit because they could not afford to buy stamps.

The work of the Select Committee on Nutrition and Human Needs and the McGovern-Dole partnership led to many improvements in our country's nutrition assistance safety net. Today, domestic food assistance programs touch one in five Americans each year. The Food Stamp Program, which was recently renamed in the farm bill the Supplemental Nutrition Assistance Program, is the cornerstone of this safety net by assisting over 27 million Americans each month.

The Special Supplemental Nutrition Program for Women, Infants and Children, or WIC, serves 8.5 million Americans and provides expecting mothers and their young children with the nutrition needed for a healthy start in life.

The National School Lunch Program provides over 31 million lunches each day and nourishes schoolchildren with balanced and healthy meals. As a husband and father of public schoolteachers, I particularly know the direct correlation between healthy, nutritious meals and the ability of a child to learn.

The Emergency Food Assistance Program assists food banks all across the country in meeting families' food needs in times of sudden hardship. I am very proud to serve as ranking member on the Senate Committee on Agriculture, Nutrition, and Forestry. This committee ties the important role of production agriculture to the necessity of ensuring that all Americans have a safe, nutritious, and affordable food supply.

The select committee we are honoring today is the predecessor of the committee's Subcommittee on Nutrition and Food Assistance, and the issues before it receive significant attention.

My colleagues on the committee and I share the determination to provide an effective nutrition safety net, and we continue the bipartisan approach established by Senators McGovern and Dole. This is proven in the recently enacted 2008 farm bill, in which funding for domestic nutrition assistance was substantially increased. Now, 73 percent of the total spending in the 2008 farm bill is allocated to domestic nutrition assistance programs. Given rising food prices, we worked to lend a hand to those citizens in both rural and urban America who are struggling to feed their families.

I am pleased to be an original cosponsor of this resolution. I look forward to continuing to work with my colleagues in the fight against hunger.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I appreciate the yielding of the floor to me, but I understand Senator LINCOLN was going to speak on this same subject. If she is available, I would be happy to yield to her. I understand she will be coming later so I will proceed.

ENERGY

Mr. President, we have had a lot of debate, a lot of discussion that does not qualify as debate, over the last week or two with respect to energy. I simply want to make a few comments of my own with regard to that issue. The energy crisis we face is a worldwide crisis. It cannot be solved with a national solution. But it is a national crisis as well, and we need to do what we can as Americans toward finding the solution. We need to help build a bridge, a bridge that can be a worldwide bridge to the long-term vision we have.

As we talk about that bridge, let's ask ourselves what is at the other end of the bridge? The vision people have at the other end of the bridge is a world that does not depend as heavily on fossil fuels as we do today. It is a world that has nuclear power, it is a world that has wind power, and solar power, geothermal power, biomass, hydropower, and one that I am particularly enthusiastic about is tidal power—the rising and falling of the tides being harnessed in generating electricity.

All of those possibilities are there, and all of those possibilities should be embraced, because all of them can contribute to the world we want to be in 10, 15, 20 years from now.

We need to build a bridge to that world because that world is not available now. There are wind farms, but they are producing a tiny fraction of the amount of electricity we use. There are solar panels that are basically demonstrating the technology, but not producing anything like the kind of volume we would need. There are studies about tidal power. There are experiments going on with biomass. There are explorations with geothermal. But all of those are in the future, 10 years away, 15, 20, 30 years away. That is where we want to be, but we need to build a bridge to get there.

Now, who is going to build it? I want Americans to be in the driver's seat of building the bridge and solving the problem. I want Americans to take the lead in figuring out what we need to do as a world to get to the other side of the bridge I have described.

I want Americans to once again achieve their ability to influence world energy prices. There was a time when the Americans could determine the world price of oil simply by determining whether they would drill another well in East Texas.

When the price of oil seemed to be too high, we could open up additional areas of East Texas to exploration. East Texas was full of oil and at the time, we led the world in oil production. Now that leadership is gone. It left the shores in the 1970s. It lies now with the Saudi royal family.

If we are talking about building the bridge, I want the Americans to be the ones to build the bridge. I want Americans to bring back to this continent our ability to affect the world's price of fossil fuels.

And how do we do that? Well, we do it simply by increasing the number of American sources of fossil fuels. That is how we were in charge of the price of oil at one time, and that is how we can be in charge again. A lot of people do not realize that America, though, is the third largest oil-producing country in the world. Saudi Arabia is No. 1, Russia is No. 2, America is No. 3. We used to be No. 1; we are now No. 3.

If we can increase our ability to produce energy, we can control the building of the bridge to the long-term future when we are no longer as dependent on fossil fuels as we are now. If we want to get to renewables, we have to build a bridge to get there.

The material we will use to build that bridge will be American energy. We have almost limitless sources to which we can turn to find that American energy.

The Gas Price Reduction Act, which I have cosponsored along with a number of my colleagues, outlines two of the areas where we can increase American sources of energy and thus help build that bridge and control, influence, and impact world energy prices.

The first one has to do with taking oil out of the Outer Continental Shelf.

Since the early 1980s, we have prohibited drilling in 85 percent of our Outer Continental Shelf waters. It is interesting that this prohibition came about the time that pricing power left the United States and went into the hands of the Saudi royal family. It will not bring it back automatically, but it will certainly make a major impact if we can now make that 85 percent of our Outer Continental Shelf available for exploration and the delivery of oil.

We now know in a way we did not in the 1980s that it is safe because Hurricane Katrina brutally told us that oil rigs can withstand virtually any kind of pressure from the weather. It is not a lesson we wanted to learn in that way, but it is a lesson that we now know.

The other area in the Gas Price Reduction Act where we can find more oil hits closer to my home in Utah. It would allow us to extract oil from oil shale. In eastern Utah, western Colorado and southern Wyoming, there is more oil than there is in all of Saudi Arabia by a factor of three. People say: ''But we do not have it yet. It is unproven technology,'' although oil shale is being turned into oil in other countries of the world, just not this one. ''But new technology is being tried out. Well, it is 10 or 15 years away. It will be expensive.''

I take you back to the proposition of the bridge. The world where we drastically decrease our dependence on fossil fuels is far more than 10 years away or even 15 years away. We cannot wish it into existence immediately. It is hypocritical to say we are strongly for wind power and solar power and geothermal and biomass as the solution to our problems, but we are opposed to oil shale and Outer Continental Shelf drilling because they take years to develop.

If one is 20 years or 30 years away, and the other is only 10 years away, we should be working on the one that is only 10 years away at the same time we are working on the one that is 30 or 40 years away.

America has fossil fuels that are abundant, available, and affordable, and that can be used as the source of building the bridge to the world of less dependence on fossil fuels. Our economy runs on energy. The world economy runs on energy.

We cannot, while hoping that the land we dream of is available at some point, refuse to build the bridge with America's available building materials.

I hope as we wind down this debate and finally decide to do something about it, we will be focused on taking the assets we already have and using them as the material to build the bridge to get to the place where we want to go. If we do that, then our constituents will see the price of gas come down at the pump. They will see movement in the right direction as to where we want to be. They will say to us: You have finally started to do your job in the way we sent you to Washington to do it.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Arkansas.

TAX EXTENDERS

Mrs. LINCOLN. Mr. President, I rise to talk about my support and encourage my colleagues to join me in revisiting and passing what we tried to do earlier today, and that was supporting the Jobs, Energy, Families, and Disaster Relief Act of 2008 on which we had a procedural motion. I find this bill, in these last couple of days of our working period before we leave to return to our States, one of the most important things we can do. Is it everything we can do? No, it is not. We can't do everything in one fell swoop. But there are a lot of things we can do to get started.

I applaud the hard work that was put into this package by the Finance Committee chairman, Senator BAUCUS. I also congratulate our counterparts in the House Ways and Means Committee for their tremendous efforts in putting together this very important piece of legislation that puts us off on a very sound footing and a good beginning, heading in the right direction of where we need to go.

The vote we took earlier today was the third time we have attempted to proceed to this very important package of tax incentives, the so-called tax extenders package, this year. Unfortunately, we do it every year. Unfortunately, we patch over every year the opportunity we try to have put forward by the Government, the incentives we need to create an environment. That is what government does. Government creates an environment where businesses, families, industries, and States can be successful. That is exactly what this bill does. It is what we tried to do earlier today. I hope we will continue to push forward in creating an environment where people and businesses can do for themselves in an environment that government has created, to take care of their issues, whether they be disasters or a competitive nature across this globe, but to use that environment to strengthen themselves, to build their businesses, their families, their communities in a way that has been consistent with the American spirit through generations of great Americans.

We tried three times, and I had so hoped that the third time would be the charm. Maybe it is the fourth time. Maybe it is the fifth. I very much believe this is something we have to do, and we should do it before we leave to head home to our States for the break. During the past few months I have talked extensively about this extenders package and some of the things I think are so important. There are many benefits here that working families will see, benefits for working families, communities, businesses, so many of which are so needed at this time. Under this legislation, some 1 million additional children will be covered by the child tax credit and more than 27,000 American businesses will be able to remain globally competitive through the use of research and development tax credits. We are talking about a time when gas prices are high. Food prices are high. People are finding that the dollars they are earning are not going as far. Yet they are still trying hard to keep their body and soul and their families together. They are still trying to do for their children and aging parents the things that need to be done. One million additional children would have been covered in this bill with the child tax credit. These are extremely important policy initiatives we need to be providing, now more than ever, for our American taxpayers.

In addition, there is almost $20 billion in incentives included in this package to move us toward energy independence. We have heard all of our colleagues coming down here talking about energy independence, talking about the dire straits working families are in. My State ranks 48 in the low-income category of hard-working Americans. I know because in recent studies we have seen back in May, on average Arkansans were paying 8 percent of their income toward gasoline and in some other, more desperate counties, they were paying up to 11 percent of their income for fuel, particularly for gasoline. They are being hit hard.

There are some things we can do. This package will provide long-term extension of our renewable energy and energy efficiency tax credits so we can provide some certainty in these very important new industries that are job creators but also the hope for the future of where we go in terms of energy needs. It creates a tax credit for consumers who purchase new technology, highly fuel-efficient vehicles. It also continues our commitment of moving toward alternative fuels through the extension of the renewable diesel and biodiesel tax credit.

We know there are a lot of opportunities we have. Yes, trying to deal with the manipulation of markets by speculation is one route we need to take. Yes, we know that making sure we are taking advantage of new resources and old resources that exist in our oil and gas industry is important. We know there are multiple things we can do in renewable fuels and a host of other areas where we can turn to that we never believed we could get fuel from, everything from biomass to algae, a whole host of new technologies coming out, research that is proving to us that there is a whole new world out there of energy and energy sources. These are all initiatives in a bill that should have broad bipartisan support. We should enact them as soon as possible.

To be sure, there is certainly a lot more, whether it is speculation or drilling or other things, that we could be doing. There is more that can be done to deal with our energy crisis. But the almost $20 billion in incentives included in this package is quite a downpayment in moving us in the right direction. To my friends on the other

side of the aisle who have been here on the floor this week arguing for action on energy legislation before we leave for August, I agree with you. I think it is so important that we do something. We need to do something. We have to do something. This package we have seen come before us earlier today would have been a great first step. It still can be. We need to make sure we are passing an extenders bill, coupled with a host of other things that are essential for us to go home in August with to tell our constituents that we do hear the message they are sending. We could pass it with bipartisan support and get even more done when we come back in September.

People know we are not going to do everything at once. They don't expect that of us. But they do expect us to take, step by step, the opportunities we have to do something about the energy crisis.

We also have in this bill the highway trust fund. The needs in the highway trust fund are tremendous. Come next month, we are going to see a deficit there. We are going to see a crisis in our highway trust fund. We are going to have to deal with that. Why shouldn't we be dealing with it today or tomorrow but certainly before we leave?

Finally and most importantly, the chairman of the Finance Committee has included a package of tax relief for areas all across the country hit with horrific weather and declared Federal disaster areas. This will provide vital resources to help in recovery efforts all across the Nation; in 26 States, to be exact. I am extremely thankful for the inclusion of this piece in the bill because Arkansas has suffered from a string of tornadoes and record-setting floods. The series of natural disasters in my home State this year has been unlike any I have seen in my lifetime. It has left 62 of our 75 counties in Arkansas in need of Federal disaster assistance. Wave after wave of storms have rocked the residents of Arkansas and have left many shell shocked.

It started on February 5 when a band of tornadoes created a path of destruction, which we can see here, that stretched across 12 counties in Arkansas, killing 13 people, injuring 133, and destroying more than 880 homes. It was the deadliest storm in nearly 10 years. On that day, one tornado gouged a 123-mile path, hitting the ground, staying on the ground for that long a period. Along the way, around 5:30 that afternoon, it hit a family-owned boat factory in Clinton, AR, where 16 employees were in the factory at the time working late to load a shipment of boats on a truck. The F–4 tornado struck. Unfortunately, the life of Thomas Armstrong was lost. The building was totaled. The 20-year-old business that had produced 550 to 600 boats a year and provided $15,000 a week in salaries to its 45 employees was a complete loss. As we can see here, it was completely destroyed.

I traveled with Senator PRYOR and Arkansas Governor Mike Beebe to assess the damage across the State. In Van Buren County in central Arkansas, 45 homes and countless businesses were destroyed. Conway County had 140 homes destroyed or that suffered major damage.

The hospital in Mountain View got hit as well. Within hours, hospital administrators and personnel, helped by volunteers, reacted swiftly to stabilize the area. They were able to use the emergency room for persons with serious injuries and evacuated patients with nonlife-threatening conditions to nursing homes and other facilities around the county. In the town of Highland in north central Arkansas, a facility that housed the equipment for the volunteer fire department was completely destroyed.

A little more than a month later, heavy storms hit Arkansas again. This time they brought rain and more rain and more rain. The result was flooding not seen in some areas for over 90 years. Thirty-five Arkansas counties were declared disaster areas from the storm. In the town of Pocahontas, the Black River crested at 26.5 feet, its highest level since August of 1915, and three breaks in its levees flooded homes and apartments. This is a scene from the Black River in Pocahontas in Randolph County.

In Des Arc, where I traveled with Governor Beebe, the White River crested at a little more than 33 feet, almost 9 feet above flood stage. Further up the White River, the community of Oil Trough got hit twice. The first time it was only a few homes. Ten days later, rains came a second time and flooded the entire city, forcing residents and businesses to completely evacuate.

On April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the ones that hit us in February, four twisters touched down in a five-county area, including some of the counties suffering from those floods. In addition, two more rounds of tornadoes hit the State in May, bringing the total to 62 counties affected by these storms that hit this year.

All but 13 counties in my State have been declared Federal disaster areas, causing millions of dollars in property damage and at least 26 known deaths. While it has been a traumatic few months for thousands of Arkansans, I have been struck, of course, by the resiliency of my State's residents. I have always said the people of Arkansas are our greatest resource, whether it is to the rest of this country and what we have to offer or whether it is to one another. Their ability to pitch in and help their neighbors has been nothing short of extraordinary. But they need help to finish the job.

This bill we tried to pass earlier today and in weeks past provides needed assistance. That is why I am so grateful Chairman BAUCUS has included this tax incentive package for individuals who have experienced loss from these horrific disasters.

This tax relief will help my Arkansas families deal with expenses related to debris removal, cleanup, and repair. It will allow them to adjust their taxable income, taking into account property losses they have suffered. It will allow them to access their own savings they have tucked away in IRAs and other retirement plans penalty free. It will provide a credit for small businesses that continue paying their employees while their business is inoperable and being rebuilt. These important provisions, among others, will do wonders for my Arkansas families and businesses impacted by these unbelievable storms and flooding.

And I am not alone. Many of my neighboring States—Missouri, Mississippi, Oklahoma, Tennessee, Georgia, Kentucky—experienced the same storms Arkansas did, and they are suffering in the same ways—not to mention the floods that impacted individuals in Iowa, Indiana, Nebraska, and Kansas in recent months, who all would benefit from this.

I recognize this package of disaster relief may not be as generous as some may have preferred. But it is a good package. It is a consensus package. If passed, it will provide immediate relief for all of our storm victims.

I urge my colleagues to recognize the value in this package. I urge them to take a close look and recognize the benefits it will bring to their communities that are suffering so desperately.

We should stand together. We should all look around this room and understand we are here together as a body to represent this great land, each of our States, of course, but to recognize as neighbors we all have shared in much disaster. We should stand together to do the right thing and enact this package—if we get another opportunity—of broad-based tax relief that will help our working families, our businesses, and our damaged communities.

There is certainly a great opportunity here if all of us band together and realize that in the next 2 days before we leave we have this wonderful opportunity to come together to do something for our Nation. I hope we will. I encourage my colleagues to ask to be able to come back to that relief package as well as that tax incentive package that will do so much.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

PREDATOR WOLVES

Mr. CRAIG. Mr. President, for the next few moments, I wish to change the pace of our debate on the floor of the Senate. I am pleased the Senator from Montana is now the Presiding Officer in the Senate because I want to tell that Senator I am a cosponsor of a piece of legislation he and the Senator from Wyoming have introduced that would provide grants to Montana, Wyoming, and Idaho, and to tribes and other States, at the discretion of the

Secretary of the Interior, to support landowner actions to prevent livestock predation, and to compensate landowners for a loss of livestock by gray wolves and other predator species.

Why would I come to the floor of the Senate and want to talk about wolves? Well, let me tell you what happened in the States of Idaho, Montana, and Wyoming in 1995.

In my opinion, the Secretary of the Interior at that time, Secretary Bruce Babbitt, Secretary to the administration of Bill Clinton, did something that I said at the time I believed to be a direct violation of Federal law and congressional intent. He allowed the U.S. Fish and Wildlife Service to go into Canada, collect Canadian gray wolves, bring them into the lower 48, and in the late fall or early winter of 1995, he dropped 15 of those wolves into a wilderness area in Idaho—certainly satisfying the wishes of a lot of environmental interests, but, in my opinion, directly violating the language of an Interior appropriations bill, language that I and the then Senator from Montana, Mr. Conrad Burns, had put in the bill saying: None of these moneys shall be used for the purposes of introducing gray wolves into Idaho, Montana, and Wyoming.

Well, Bruce Babbitt did it, with great fanfare, with great public attention, and with a very large smile on his face.

Then, in 1996, he introduced another 20 wolves into central Idaho. What is the end result of what happened? This was the effort to do what we called the introduction of an experimental number of wolves back into a habitat that wolves once roamed wild in. It was supposed to be a limited experiment of what we called an experimental herd or pack, or packs, of wolves, an experimental species, and it was to be limited. We said at that time that when the number reached a certain number—at least 100 breeding pairs in Idaho, Montana, and Wyoming—it would no longer be experimental, and it would no longer be endangered, and the extraordinary protection of the Endangered Species Act would come off.

That simply did not happen. Today, we literally have thousands of wolves roaming the States of Idaho, Montana, and Wyoming. Some would say: Oh, isn't that wonderful, and isn't that exciting, and isn't that natural? Well, it may be natural in relation to 1880 or 1890, and it may be wonderful for some who behold the dream of an unoccupied great West. But to those of us who live in the West today, who live in an occupied area, where domestic livestock graze, and where the human species loves to camp, we have a problem. Our problem is quite simple. Wolves protected have no predator. The human species is the only predator. And in the absence of our ability to control them, they multiply very rapidly in an unlimited area with an unlimited feed source. Their feed or food source—their prey base—happens to be what was once the great elk herds of Idaho along with our deer population. And now, as they have begun to decimate those populations, they are beginning to pick off domestic livestock, both cattle and sheep, that graze on these public lands.

This map I have in the Chamber demonstrates, from the 35 wolves that were dumped into Idaho in 1995 and 1996—in approximately this area—the phenomenal spread that has occurred across the entire State of Idaho, into Montana, and down into Wyoming, in areas where we believe there could well be more than 3,000 wild roaming wolves.

So the Department of Interior then said: It is now time we delist these wolves. We thought that was going to work until again a judge, who probably knows nothing about wolves, listened to a couple environmental groups, and said: I don't think we ought to allow that to happen. As a result, all of that effort was stopped. But still the taking of domestic livestock—both cattle and sheep—continues to this day.

I have served on the Appropriations Committee. In the absence of us doing the right and responsible thing, I kept adding money every year not only for the management and the shaping of these wolf populations, but also to offer some compensation to ranchers—both cattle and sheep—who were losing their livestock.

The Senator from Montana, who is presiding at this moment, the Senator from Wyoming and I have joined—they have introduced the legislation; I am a cosponsor—to hopefully bring about a stabilized fund to offset the literally hundreds of thousands of dollars our ranchers are now losing, all in the good name of Secretary Bruce Babbitt of the Clinton administration, who had the wonderful dream that he could take a West once unoccupied by the human species and repopulate it with a wolf.

Need I say more? A wolf is not a kind, sweet, and cuddly little animal. They are large. They are aggressive. They drag down elk, moose, deer. And they are now beginning, as I have said, to take domestic livestock.

A week ago, a young man, who was out training his hounds by chasing bear, ran into a pack of wolves. The wolves chased the guy off and killed all the hounds. Some of these well-trained hounds are worth $4,000 and $5,000 apiece. There was absolutely nothing that gentleman could do. Could he shoot the wolves? No. No, it is against the law, the Federal law, that he dare touch them. So he had to watch his beloved dogs eaten.

That is happening more and more every day in Idaho, as this map grows more and more covered with incidents of packs and individual and collective numbers of wolves. It is true in my State of Idaho. It is true in the State of the Senator from Montana. It is certainly true in Wyoming.

As we try to bring these wolf populations under control, we have interest groups and a Federal judge who raps his gavel and says: No.

The State of Idaho is attempting, under this Secretary of the Interior, and others, to take reasonable and responsible control of them, and to once again shape these populations of wolves so wolves can once again be in Idaho and, at the same time, to recognize the need to maintain populations of elk and deer is what we want to do. And it is what the Idaho Fish and Wildlife Commission and Fish and Wildlife agencies were doing in a responsible way—until, once again, a Federal judge intervenes, who knows little to nothing about the species itself, or probably the law, and says: I guess maybe that environmental group is right. Maybe we need more wolves so we get a genetically clear balance. We are more interested in the genetics of the wolf than we are the decimation of the elk herds, the deer populations, and the domestic livestock.

I have said with great trepidation, but I say in all sincerity: Do we have to wait until a wolf drags down a human species before there is a sense of alarm? Because they have now penetrated all of Idaho. They are literally in our backyards. Yet the romance goes on about this great dream of a wild West where you can hear the lonesome wolf howl at night. And they are howling. They are howling loudly right in our backyards. And a blind Federal agency and a blind Federal judge and a romantic environmental theory says that is OK.

It is tragic for the wolf because, ultimately, these populations will have to be brought under control. It is tragic for Idahoans and folks in Montana and Wyoming to see their pets and their domestic livestock dragged down and killed, with little if anything they can do about it.

I hope my colleagues would support S. 2875, as a minimal stopgap to provide these domestic livestock operators with some compensation for the losses they are now taking because Bruce Babbitt, Secretary of the Interior under the Clinton administration, had a wonderful and wild western dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time is left?

The PRESIDING OFFICER. Nine and a half minutes.

Mr. SESSIONS. Nine and a half minutes. I thank the Chair.

ENERGY

Mr. President, it is no doubt that the American people are engaged on the question of energy, and gasoline prices primarily. But they are worried about their country. They are worried about their own budgets. They are worried about the direction the Nation is heading and the fact that we are becoming more and more dependent on foreign sources of energy. It impacts our national security as well as our economy.

We know that now $600 billion, perhaps $700 billion a year of American wealth is transferred abroad on an annual basis to purchase the 60 percent of

imported oil we utilize in America, in our transportation system primarily. That is a wealth transfer the likes of which the world has never seen. It is not good for our economy.

The average family—and I have calculated it based on a two-car family driving 24,000 miles a year—is paying $105 more per month for gasoline than they were 1 year ago using the same number of gallons of gasoline. This is a big deal. There is no doubt about it. After our families pay their taxes, after they pay their Social Security, after they pay their house payment, their insurance, their retirement, and their other bills, now $105 more every month is hitting them because of increased gas prices, and 60 percent of that money is going abroad to purchase the gasoline in a wealth transfer that is adversely affecting our economy. This is a national crisis. There is no doubt about it.

This Nation needs to do something real. We need to take action that will work. I am, frankly, very open to a lot of different ideas that we might be able to adopt. I think both parties have ideas that would work. We need conservation. We need biofuels. We need more production of energy at home. All of those things, it seems to me, are quite possible. This Government should accelerate it and make it a reality. Yet we remain here, unable to act in any way it seems.

For example, agriculture. Yes, crop prices, commodity prices are up, but the fuel that is utilized on the farm has doubled. Fertilizer prices, which come so often from natural gas, have also doubled. Our chemical industry, most of it is a worldwide industry. They have plants, these big chemical companies do, all over the world. When they decide where they are going to make a new chemical, they ask who has the lowest price for energy. Natural gas is often a component of new chemicals and because of prices—we have seen a flat or declining chemical industry and an expansion of it in other places where the price of energy is lower.

I believe the future of the American economy is at stake. We must carry out conservation efforts. I see my esteemed colleague, Senator BINGAMAN, here. He had a hearing a week or so ago and he has had some of the best hearings on energy. I am honored to serve on his committee. We had some fabulous hearings with some wonderful witnesses. The hearing I refer to included Dr. David Green at the Oak Ridge Center in Tennessee, a National lab, a Federal lab, as a witness, and he made a series of suggestions for immediate actions on energy. This is just to increase the miles per gallon that we get. His first thing is driver behavior. He contends that the average driver, if they drove better, could save 10 percent. Curb aggressive driving, observe the speed limits, don't carry extra weight in your car, have vehicle maintenance, have realistic speed limits. For every 5 miles per hour over 55, the fuel economy, Dr. Green says, declines 7 percent.

He talks about heavy trucks. Improved aerodynamics on the truck could save up to 600 gallons per year—just doing that—and other suggestions he made—low-rolling resistance tires. Better tires get better gas mileage. Driver training can be a big asset, updating fuel economy standards, the labeling of used cars. When people go out and buy a used car, it wouldn't be hard to have posted the mileage of all used cars so that the person could see what that mileage would be if they bought that particular used vehicle. He goes on with a number of other things.

I say that just to point out that he was just one witness in one area: automobiles and vehicles. There are many more things we can do to conserve fuel and I support this.

I believe we ought to reduce our dependence on fossil fuels as soon as possible. I believe we should get away from them as much as we possibly can and reduce our imports. This would include, for me, supporting investment in and promoting hydrogen vehicles and fuel cell vehicles. I think natural gas vehicles do have a role to play. Produce more diesel vehicles that get 35 to 40 percent better gas mileage. Half the cars in Europe are diesel; we only have 3 percent. Why is Europe doing that? They get better gas mileage. They tax diesel less in Europe; we tax diesel more. We have a new sulfur diesel fuel that is extremely clean.

All right. I think we are in a position—and I think the Presiding Officer understands this—the American people want us to do something. We need to reach across the aisle and accomplish something.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. SESSIONS. I have to conclude that this is the problem. I don't believe it is the Democrats I know in Alabama, or I don't believe it is all the Democratic Senators and Congressmen I know in Washington, but let me tell my colleagues what is happening and where we are and how we have reached an impasse that has to be broken.

Former Vice President Gore, a former Democratic nominee for President of the United States, made a speech recently and said that within 10 years, we should generate all of our electricity without any fossil fuels. Half of our electricity today is coal. Twenty percent is natural gas. He would eliminate all of that and replace it with biofuels, with solar, wind, and the like. That is a radical proposal—a proposal that is not within the realm of possibility. It is a stunning idea that simply cannot be achieved that fast. I would favor it as soon as we could, but we have no way of doing that.

Senator OBAMA, the Presidential nominee now, praised that speech. He didn't adopt everything in it, thank goodness, but he did praise Gore and his speech. He has indicated he opposes further drilling, and he is at best lukewarm, if not unfavorable, to nuclear power.

The Speaker of the House of Representatives, NANCY PELOSI, said she wanted to save the planet. She has been opposing any production through drilling or shale oil or clean coal or offshore production. Our own leader, Senator HARRY REID, has said sometimes he favors production, but his only proposal he has brought forth on the floor of the Senate is to sue OPEC for not producing enough oil. I would suggest we could sue the Congress for not producing enough oil in America. He wanted to tax oil companies, which means you certainly would not get any more oil doing that. Now, we have a speculation bill. Not one of those three pieces of legislation actually would produce any energy.

So let's get out of this. This is not a position the Democratic Party can take. It is not a position a majority of Democrats in America believe in. I am prepared to meet halfway. Let's move to hybrids any way we can. Let's do more biofuels. I think that can work. Let's go to wind, producing as much and as fast as we can. I am for whatever works if it is reasonable and not placing an unfair burden on the American people.

All I can say is, we are seeing a position here that is not acceptable. It is radical. It is damaging our economy. It is saying we will not do the things necessary to create a bridge to get us to nuclear power, clean fuels in the future that can get us off fossil fuels.

I thank the Chair and I yield the floor.

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

Mr. MENENDEZ. Mr. President, I heard President Bush's statement at the White House today, and I have to be very blunt. I think the President must think the American people are stupid. For 7½ years we have had two oilmen in the White House, with Republican majorities in Congress for 6 years, and we have seen gas prices go from $1.46 when President Bush took office to over $4—to about $4 now; it went over $4 at one point—per gallon. Now he would have us believe, after that 7½ years—Republican majorities for 6 of those 7½ years and having the oil industry write the energy policy with Vice President CHENEY in the White House—now he would have us believe, in fact, that we are responsible for this.

It is a good lawyer's game. When you don't have the facts on your side, when you don't have the law on your side, you pound on the table and create a diversion. That is what they have done—tried to create a diversion. The American people are a lot smarter than that.

The fact is, Democrats cannot act as we want to on the energy crisis because the Republican Party simply won't allow us. We have a slim majority in the Senate, and by Senate rules, the

Republicans can filibuster to require us to get 60 votes for anything. That really means, in essence, for those watching, they have the ability to block any legislation they want, and they have used that power to the hilt. Over 90 times they have used this procedural tactic to block much needed legislation. Even though we are in the midst of an energy crisis, they are still blocking everything.

At first they said they were blocking us from our work because they wanted a vote on opening our shores to oil drilling—something I don't support—but the majority leader said OK. We will give you a vote on opening our shores to oil drilling.

Then the Republicans said: Oh, that is not good enough either. Instead, they claimed to want to vote on opening the shores to oil drilling, a vote on nuclear power, a vote on oil shale development, a vote on their larger package of proposals, and guess what. The majority leader said earlier this week: OK, you can have a vote on all of that. Yet, somehow, every time the majority leader offers the other side votes on exactly what they want, they keep saying that is not good enough. They simply won't take yes for an answer.

I hear their speeches. They all mention speculation. Well, we have had testimony that, in fact, speculation in the marketplace could raise oil by $50 per barrel. We even saw a company that was just taken by the Commodity Futures Trading Commission being charged with having manipulated the marketplace—made $1 million in 11 days and increased gas and oil prices. Yet they won't let us go to speculation. They say one thing, they do another.

The big issue they keep talking about is production, but the Republicans don't want production. They simply don't want us to have progress. That is their game plan. They have a political equation, and it is: Don't let anything be achieved.

On five separate occasions, they have had the opportunity to vote for energy production. They have had the opportunity to keep the rapidly developing wind and solar industries growing at an accelerated pace, but instead they decide to play politics. The Republican Party doesn't seem to take renewable energy seriously. It is true that renewables are essential for our environment, essential for our economy. What these industries really represent are an opportunity to produce massive amounts of domestic energy cheaply and at least 100,000 new high-paying jobs in America.

Now, if you don't think renewables are serious business, just ask landowners in Texas, Minnesota, Iowa, or Wyoming who are, in fact, receiving $3,000 to $5,000 per month for allowing a windmill to be sited on their property or ask oilman T. Boone Pickens, who is plowing billions of dollars of his own money into wind energy and a plan to use renewables to end our addiction to oil.

Now, somebody who has made a lot of money in oil doesn't all of a sudden plow billions of dollars of his own money into renewable energy unless he thinks there is going to be a payoff at the end. He understands.

In my home State of New Jersey we have windmills in Atlantic City, where the casinos are, generating a lot of electricity. Last year we installed enough turbines to power over 1.5 million homes. The solar power industry is growing at over 40 percent a year.

These technologies work. They are working now. They are in high demand. They produce an enormous amount of energy. We need to accelerate and expand that. If we extend the wind and solar tax credits so these industries can continue their rapid growth, we could add 150 gigawatts of installed capacity within 10 years. Now, what does that mean? That means that we would have enough electricity to power over 37 million homes. At that rate, by 2030, we could get over 25 percent of our Nation's electricity from wind and solar power.

The package of tax credits that the Republicans continue to block—blocked again today—represents a solution also for the high price of oil. There is a large tax credit for the purchase of plug-in hybrid vehicles—cars, for example, such as the Chevy Volt, which will be able to run on electricity for the first 40 miles after being plugged in. That means a full three-quarters of all trips—all trips—driven by Americans would not use a drop of gas. If projections by some of the experts hold true, and half the cars on the road in 2030 are plug-in hybrids, we could easily cut our use of oil by 10 percent, and some would suggest that we could even displace much more. And by this time, we would be producing enough renewable energy to power all these cars and still have electricity to spare. If we want cheap gasoline and we want to be free from imported oil, we need to pass the tax credit extensions, and we need to build plug-in hybrids, solar panels, and winds turbines, to name a few. It is that simple.

It is time for our colleagues on the other side of the aisle to stop exploiting our energy crisis for big oil's gain and let us vote on the things that will actually produce energy.

Instead, they insist on holding up everything for an absurd plan that, according to the Energy Information Agency, will not produce energy at all for 10 years and, in 2030, will only produce enough additional gasoline for the equivalent of a few tablespoons per American car.

Let me try to put their plan into perspective. Since April of this year, Americans seeing the high cost of gas have actually reduced their consumption by 800,000 barrels of oil a day more than we did year ago. This is the most significant and sudden drop in oil since the 1970s. But what happened, even though we have reduced 800,000 barrels of oil every day? Prices went up.

In recent weeks, in response to record oil prices, Saudi Arabia produced an additional half-million barrels of oil more each day. What happened? Prices went up.

So how does the Bush-McCain drilling plan compare to these recent events? Well, based upon the Bush administration Energy Information Agency's own analysis, if we open all our shores to oil production, the first drop of oil would not be seen for almost a decade, and offshore oil production would peak in the year 2030. Then it would peak at only 200,000 barrels a day.

So, in fact, if 800,000 barrels a day in reduced consumption combined with an increase of 500,000 barrels a day in extra production hasn't lowered gas prices one bit, it is clear that the production of 200,000 versus a combination of 1.3 million barrels in reduced demand or increased production—200,000 barrels in the year 2030—is going to do absolutely nothing about gas prices.

In fact, the Energy Information Agency says that adding those 200,000 barrels per day in production in 2030 will lower the price of gasoline by less than a penny per gallon.

Let me repeat that. The Republican production plan to open all our shores to drilling and risk the environmental consequences we saw, for example, in the Gulf of Mexico during Katrina and Rita, with 700,000 gallons of oil spilled and 7 million spilled on land by the facilities that bring that oil to the marketplace, would not lower gas prices but about a penny in 2030.

Let's compare these numbers with what renewables have to offer. Remember, if we pass the renewable energy tax extender credits, we could produce massive amounts of electricity from renewable technologies. We hear this constantly being discussed by the Republicans, but they don't let us vote on it. Remember that the tax extenders will help us rapidly deploy plug-in hybrid technology so we can use this electricity for transportation.

By some projections, this means that by 2030, the same time period they are drilling off the shore with the risk that comes to a $200 billion coastal economy, we could replace 2 million to 3 million barrels of oil per day with electricity. Compare 2 million to 3 million barrels to a measly 200,000 barrels per day by the drilling.

Some, such as the DOE's Pacific Northwest National Laboratory, projected we could actually displace 3 times as much, or 6.5 million barrels per day by 2030 versus 200,000 barrels in this big drill, drill, drill.

I don't quite get it. You can save the equivalent of 6.5 million barrels every day in energy by pursuing the renewables that they say they support but don't vote for or you can have 200,000 versus 6.5 million by virtue of drilling 30 years from now. So this, of course, means that for us to achieve this, we need to get beyond the Republican efforts to stop us from maintaining the

tax incentives we have. It means we actually have to get serious about our energy policies and start a serious effort to run our transportation fleet on electricity.

That is what voters have to decide on this fall. Do they want to vote for the party of big oil, the party that saw the dramatic increase in gas over the administration's lifetime, where they wrote the rules and the law at the White House, sitting with the Vice President of the United States—do they want to vote for big oil that has record profits, starting with ConocoPhillips? I can't wait for tomorrow, or the day after, when ExxonMobil puts out their record profits. We are talking about billions in record profits. Do they want to vote for big oil, which concocted a plan that does nothing but enrich the oil companies?

This is about one last grab before the administration goes out of office. They already have 68 million acres in this country that they have access to. Now they say we cannot do this or that. They have 68 million acres. They have millions of acres in the Outer Continental Shelf that are not subject to the moratorium. They have areas in the gulf they have not pursued.

The bottom line is that plenty of drilling can take place, and they have not done it. Even the President of the American Petroleum Institute says we don't have the infrastructure or the resources to do it. All this talk about drill, drill, drill, which would only produce 200,000 barrels in 2030 versus 6.5 million barrels of reduced demand in oil—that would do something about the gas prices—and not letting us take out the speculation in the marketplace, which would reduce oil $50 per barrel, some experts say, but they would not let us vote on that. They would not let us vote on the tax extenders.

So this is not about creating production, this is about stopping progress. This is about a Republican game plan that says we will send the Congress home without having done anything about dealing with gas prices, and the minority will face the consequences. They are so sadly mistaken that the American people will not see through 6.5 years of record gas prices, record oil profits, unwilling to allow us to deal with speculation or deal with production and what the energy tax extenders provide, unwilling to allow us to pursue conservation, unwilling to let the American people get the relief they want.

That is why I truly believe that if they continue on this course, the Nation will suffer and consumers will suffer. But they will suffer at the polls come November.

With that, I yield the floor.

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

TAX EXTENDERS LEGISLATION

Mr. BINGAMAN. Mr. President, I wish to take a few minutes here on a Wednesday afternoon. We are not toward the end of the week yet, but as most people know who observe the Congress and Senate in session, once you get to Wednesday afternoon, you sort of have a feel for how much you are going to be able to accomplish during the week.

I think it is fair to say we have not been able to accomplish much so far this week. This is sort of a last-ditch effort to encourage us to try to do something constructive before we leave town, before the August recess.

Let me try to put this debate in the general terms that I understand it. There are two packages of legislation that relate to our energy challenges which we have been talking about—two notional packages of legislation. One—and this is the one most of the speeches are probably about—relates to the general problem of high gas prices, which is a serious problem for all Americans. This set of speeches is not about a particular bill because we don't have a bill that has come out of any committee in the Senate dealing with this problem of high gas prices. There are bills the Republican leader has introduced on the subject, and there is the bill to deal with the part of the problem relating to speculation, which the Democratic leader has introduced, the majority leader. We have not been able to move ahead on that. There have been repeated efforts, and we have been blocked at every turn.

The other package is the one I wish to talk about. I spoke about it briefly yesterday. I wish to talk about it again because I think it is extremely important. It is, in my opinion, the most important legislation we could pass and take action on this week. This relates to the extension of various tax provisions that are currently in the law or that have been in the law but expired this last year. I will briefly talk about that.

Some of those tax provisions relate to energy. Many of them do not. Many relate to other items, other matters that are extremely important as well. Let me talk about how important this legislation is to our economy, to American jobs, and to our energy challenge as well. First, I will talk about the provisions in the tax law that expired at the end of last year. These are provisions we need to extend in order that Americans will not face substantially higher taxes when they go to pay their taxes next spring. I am talking about things such as the alternative minimum tax.

Most Americans don't have to worry about the alternative minimum tax. Unfortunately, the way it is written today, unless we pass legislation such as what I will argue for here, we are going to have millions of Americans have to calculate their taxes pursuant to the AMT and actually pay increased taxes because of the alternative minimum tax this next year if we don't pass that legislation.

We have a provision for a child tax credit. You would think there would be strong support for maintaining the child tax credit that Americans believe is part of the Tax Code. Unfortunately, it expired at the end of last year. If we don't pass legislation such as what I am talking about, such as what we tried to pass earlier today, the child tax credit is not part of the law.

The qualified tuition deduction for higher education expenses, again, this is something that is very important to many families in this country who have children or where one spouse or the other is going to school and they need that tuition deduction for higher education expenses.

Also, there are the provisions for retirees to be able to make tax-free IRA rollovers to qualified charitable organizations. These are examples of provisions that Americans think are in the Tax Code—and they are, except they expired at the end of last year. We need to go ahead and legislate to reestablish those so people can take advantage of them when they file their tax returns next year.

All of that is contained in this legislation that failed earlier today on the Senate floor—failed in our efforts even to proceed to consider the legislation, in order to be specific about it.

Let me talk about the energy provision. There are also, in the tax law today, several important provisions to encourage production of energy from alternative sources—production of energy from wind farms, wind turbines, from solar concentrating facilities, and production of energy from photovoltaic cells that people put on their homes. This is legislation that was enacted—most of it—in 2005. I was honored to be present in 2005 in my home State of New Mexico, in Albuquerque, when President Bush traveled there and stood with Senator DOMENICI and myself and others at the time to announce that he was signing the 2005 Energy bill.

There are some who criticize that bill, but I think there were many good provisions in it, and some of those provisions are these I am talking about right now—the production tax credit for wind energy, the investment tax credit for solar energy. Those provisions, unfortunately, were only enacted through the end of 2008, and that is about, as we can all tell by looking at the calendar, 5 months down the road. So companies that are thinking of investing in projects—under the law, the way we wrote those provisions, the project has to be actually completed and in operation prior to the expiring of the tax credit in order for them to get the tax benefit.

Obviously, companies are now looking at this expiration date of December 31 coming up and they are saying: Wait a minute, hold off, we are not going to build that wind farm, we are not going to construct that concentrating solar power facility, we are not going to put those photovoltaic solar cells in place because we don't know if Congress is going to extend this provision or not extend this provision.

The vote we had earlier today is not encouraging at all in that regard because it is a signal to the business community that, in fact, Congress is not going to be able to generate the votes necessary to extend that provision.

As I understand it, all Democrats who were present voted for proceeding to the bill so we could bring it up, debate it, pass it—at least I hope pass it. I believe five of our Republican colleagues joined us in that effort. But we need more. We cannot get to the 60-vote threshold that is needed without more support from our Republican colleagues.

The arguments used against going ahead are numerous, and they are changing all the time. Let me briefly go through these arguments.

A main argument is they like the provisions, they support the provisions, they just don't like the so-called offsets. They don't like the idea that we are generating revenue somewhere else to offset the lost revenue from extending these provisions. That is the argument.

There are variations on that. One variation is, these are temporary tax provisions, and we are making changes in the Tax Code of a permanent nature in order to offset the loss of revenue. At any rate, we tried to fix that, and I think we have fixed that in the bill Senator BAUCUS offered earlier today.

Another argument is these are in current law. We don't want to offset anything in current law. We want to extend current law from now on even though we were not able to do it under the original budget we are operating under. So that argument is being made.

The other argument that is being made, unfortunately, at this point is that somehow or other there is a procedural advantage to refusing to allow us to deal with this legislation. There is some advantage that is being argued accrues to the Republican side in their larger debate about drilling offshore; somehow it helps their position that we ought to drill offshore if they deny us the right to extend these alternative energy tax provisions, the research and development tax provision, the child tax credit, and a variety of other provisions. I have trouble understanding that argument, but it is being made, and somehow it seems to be persuasive to an awful lot of our colleagues.

Let me briefly review the bidding here. As far as I understand, the procedure we have gone through this week is on Monday, the majority leader offered debate and votes on domestic production and other matters. I believe the Republican leader at that time indicated he would respond later.

On Tuesday, I believe Senator VITTER from Louisiana announced that he had seven amendments on energy that he would like to have considered. Tuesday afternoon, the Republican leader rejected Senator REID's offer of four amendments on each side. Tuesday afternoon, Senator REID stated that we would not go forward with amendments on the general subject of energy if we could not go ahead and deal with this extender package. That had to be done first, I think because of his great concern and my great concern that this is an urgent matter. This has languished too long. We need to act on it.

In the last 24 hours, we have had filibusters on this effort to move ahead with the tax extender package a couple of times. We also, of course, had a filibuster on the effort to move ahead with the Warm in Winter and Cool in Summer Act, which is the Low-Income Home Energy Assistance Program, trying to increase the level of direct assistance to low-income families in anticipation of the very high costs they are going to face this winter.

I don't know if there is a way to get the Senate to move ahead. I compliment the majority leader for the heroic effort he has been making in trying to do that. Obviously, he has not prevailed as yet.

The timeline for trying to get action on this tax extender package, or some version of it, is as follows:

In June of 2007, we had a bipartisan energy tax package that we brought to the Senate floor, and it got 57 votes. That was not enough to allow us to go ahead.

On December 13, 2007, we had a bipartisan package that got actually 59 votes. But, again, 59 votes is not enough to let us proceed in the Senate.

On April 18, we did pass a package of provisions of this type with no offset contained. That was a useful thing to do. We have been told in clear and unequivocal terms that we cannot get support to pass such a bill through the House. So we are back trying to get some agreement on how we can pass this package of tax extenders, how we can pass this package of tax provisions related to alternative energy production and related to energy conservation before we leave for the August recess.

This is a high priority. Projects are being canceled and delayed as we speak because of our inaction on this matter. I felt it important to come to the Senate floor and try to urge action once again before the week ends.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

ENERGY

Mr. COCHRAN. Mr. President, we will soon be adjourning the current session of the Senate, and we have yet to consider any meaningful proposals to help relieve the pressure all of our constituents are feeling because of the high cost of energy. Before we return home, we should pass a bill that encourages increased production of energy here at home to reduce our dependence on foreign oil.

Americans have responded to the jump in the price of gasoline by driving less and using less, and the price of oil has decreased significantly in the last 2 weeks because of this effort.

There is a direct link between supply and demand and the price of oil. In order to pay less for oil, we must have more supply and we must have our own domestic supplies.

We have been debating a bill that will not increase supply or decrease demand. The Democrats continue to thwart our efforts on this subject, and we find ourselves in a logjam.

Even though oil prices have dropped some, gas prices remain at an alltime high. Americans are spending an inordinate amount of their hard-earned income on gasoline. My constituents in Mississippi spend the highest amount of their income on gasoline of any State—nearly 8 percent—according to the National Resources Defense Council.

The status quo is not good enough. We must act. If the price of oil can drop more than $20 a barrel in 2 weeks because of decreased demand, imagine what could happen if we could couple that with increased supply.

We are very lucky that we have energy resources in America to explore. Many areas offshore are currently off limits, but they hold great potential, as do the large deposits of oil shale in the Rocky Mountains. With our abundance of coal, we have the opportunity to utilize coal-to-liquids technology as another fuel source. We are not lacking in resources. Yet we continue to be beholden to foreign oil cartels that are not producing at the rate of current worldwide demand.

We should also be making sure nuclear power is available in the quantities we need. Companies such as Entergy in Mississippi have made application to build new nuclear plants. We need to ensure that the permitting process is rigorous but more expeditious.

We have the opportunity today to begin weaning ourselves from our dependence on foreign oil, but in spite of the suffering that high gas prices are creating across the country, we are not moving fast enough. Let's get together and get this job done.

Mr. President, 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. DOMENICI. 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. DOMENICI. Parliamentary inquiry: Am I correct in assuming that I have 20 minutes?

The PRESIDING OFFICER. The Republican side has 25 minutes 20 seconds.

Mr. DOMENICI. Mr. President, I understand that time is allotted to the two Senators, the senior Senator from Tennessee and Senator PETE DOMENICI, the old man who is leaving the Senate soon.

I wish to tell the Senator from Tennessee, our new chairman of our Republican conference, what a great job

he has done as we have considered whether we should produce more oil for Americans from American-owned resources. That has been an exciting 8½ days. What disturbs the Senator from New Mexico is, even with the explanations the Senator from Tennessee and others have made, people the Senator has read about, the things he told us about in terms of what we ought to be finding and saving, we ought to be producing and conserving, and we ought to use our own resources, we have not been able to get meaningful amendments offered in the Senate to have a vote.

I have come to the conclusion that there are some—perhaps more than I ever imagined—Democrats on the other side of the aisle who don't want to produce more American oil. I really didn't think that was possible, but I have come to that conclusion. I am not saying everybody. There are some who are working very hard on new ideas on how we can produce. But I believe the majority leader has been bugged, bothered, and pursued by those who don't want to let a vote because they don't want to produce any oil on the offshores of America even though there is a lot of it there and it belongs to us.

Having said that, I wonder if the Senator will have a comment about statements that have been made by a couple of Democrats on the other side of the aisle who have said that there are Republicans who just want to drill, that is all they want to do, is drill for more oil. Do you know of any Republicans—you know the Republicans pretty well; that is why you have your job as chairman—do you know of any Republicans whose concern is nothing other than we drill for more oil?

Mr. ALEXANDER. I would say that the Senator from New Mexico knows the answer to that.

And, Mr. President, I ask unanimous consent that the Senator from New Mexico be allowed to proceed through our remaining time in a colloquy.

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

Mr. DOMENICI. I thank the Chair.

Mr. ALEXANDER. So the answer is no, to the Senator from New Mexico, and I think it is important to go back to when we first started talking about this matter.

I think it might be useful to the people who are watching the Senate and wondering how we do things—maybe they have been watching C–SPAN and thinking: Well, these Senators sure know how to make a lot of fine speeches. And that is what we have been doing for the last 10 days, making speeches. But we haven't been doing anything more. But that isn't what we have wanted to do or what we do want to do now. What we want is a serious debate on legislation to lower gas prices that looks at ways to find more and use less.

The Senator from New Mexico is exactly right. We understand high gasoline prices are the product of a law we learned in economics 101. I don't know how the Senator from New Mexico did in economics 101. I imagine pretty well because he is one of our most intelligent Senators. But economics 101 says the price of a commodity, such as oil—or it might be hay or wheat or anything else—is determined by the supply as well as the demand. So what we said in our Republican caucus was that we wanted a balanced approach; that we wanted to increase the supply—''find more''—and we wanted to reduce the demand—''use less.''

So if I may say just for a moment, we do talk a lot about finding more.

Mr. DOMENICI. Yes.

Mr. ALEXANDER. Because that has become the issue between the two sides, really. We want to do both, and many of them don't. They want to use less, and we want to use less. But it is hard getting many of our Democratic friends to agree that even in the next 30 or 40 years we will need to use significant amounts of new American energy if we want to keep our lights on and drive our cars and heat our houses and have good jobs. It is hard for them to agree with that.

But let me be very precise about our using less. Our ''finding more'' idea was really offshore drilling and oil shale, and our ''using less'' was plug-in electric vehicles. T. Boone Pickens thinks he has a pretty good plan, and he has bought a lot of television time to advertise it, and it is pretty simple: natural gas and windmills. Ours is about as simple: offshore drilling, oil shale, and plug-in cars and trucks.

But let's talk about the ''use less'' part. That will do more for us than the ''find more'' part will. That is the Republican proposal.

Mr. DOMENICI. Yes.

Mr. ALEXANDER. We import, I believe, Senator DOMENICI, about 12 or 13 million barrels of oil a day. We use about 20 million barrels a day, or a quarter of all the oil in the world. So if we could find a way to use less, as well as find more, we could affect the price.

I had a visit just this afternoon from the utility manager in Austin, TX, and we talked about plug-in electric vehicles—our way of using less. What I am trying to do is make the point that there is not anybody over here on this side of the aisle who just wants to drill alone. We know we have to use less.

Now, why do we say plug-in cars and trucks? When I first started talking about that, people thought I had been out in the sun too long. I was far from the first to talk about it. Senator HATCH has introduced legislation on this issue, and it has been supported by a number of Democratic Senators as well. The director of the Austin, TX, utility started talking about it with me earlier today, and here is what he says can happen.

In Austin, TX, they have about 1 million cars and light trucks in his utility district. His judgment is that they can get up to about 10 percent of those cars—100,000—on electricity, where you just plug them in at night at home, within about 5 to 8 years without much trouble. He believes it is a reasonable goal in Austin, TX, to get half of those million cars and trucks on electricity in 10 to 15 years.

Now, Senator DOMENICI, if we could help the United States take half of our 240 million cars and plug them in instead of filling them up with gas, we could cut our import of foreign oil by 4 million barrels a day and stop sending money overseas. And that is our way of using less. So we want to use less.

We have other ways to do that as well. The problem is, we can't persuade our friends on the other side of the aisle to find more because when we say offshore drilling, they say: No, we can't. If we say oil shale, they say: No, we can't. Even if we say nuclear power for plugging in our cars and trucks with clean energy, they say: Sorry, not a proponent of that.

So the answer to your question is, no, we are not just for more drilling—we are all for the demand side and using less. We know that makes a difference. We would just like to have a debate and a bill about both, and we are for both. Unfortunately, our friends on the other side are not. It seems to me they are kind of repealing the supply half of the law of supply and demand.

Mr. DOMENICI. I thank the Senator for the answer, and I want to repeat that supply and demand clearly is what affects the price. The truth is, anyone who thinks we don't have to use oil for a significant amount of time—I mean import it—is just not taking into consideration the reality that what we use most of this oil for is cars and trucks and airplanes and the like, and we just can't make a change overnight.

The Senator just mentioned one great way to lessen that, and Austin has a well-planned idea that would take 15 to 20 years to do half, to get rid of half of the automobiles and substitute electric cars. But what are you going to do during the 15 years or 20? You are going to use cars, today at least, using crude oil. You are going to use gasoline.

Mr. ALEXANDER. Then there is the other half of the cars and trucks that are presumably still running on gas.

Mr. DOMENICI. You bet. Just so we make it clear, if there are Members of the Senate who don't want to let a vote occur on producing more oil because they don't think we need to produce more oil—and I can't imagine why, but some people just say no more carbon; some people say no more oil—they have to understand that we are going to be buying more oil whether we like it or not, unless we just stop driving or shut down America. It is going to continue to bleed us dry.

So we didn't come down here after our majority leader offered an amendment, an amendment that he has been saying had an impact on the price of oil, if you can imagine that. It was an oil speculation bill. As we continue

this debate, the majority leader's solution to an enormous energy crisis facing our Nation—and earlier today the majority leader gave a speech. I don't know if the Senator heard it. In that speech he said many things, but one of the things he said is that oil prices are going down because the Senate is debating—debating—oil speculation.

Now, the Senator from Tennessee and I really work hard at legislating because we think legislation can have an impact. But on such a big world problem, to think that on oil supply and demand that you could come to the floor of the Senate and say in a credible manner that the price of oil has come down because a bill was introduced—and the bill was the speculation bill—you know, people haven't gone to sleep. The speculation bill has been written about, and the best thinkers have said: First, you don't need one; and, second, this one would not do anything.

Mr. ALEXANDER. The Senator from New Mexico is right, and you are not the only one who thinks that. I picked up the New York Times a couple of days ago, and in their editorial—and they do not always agree with the Republican side of the aisle, I will have to concede—but they basically said the speculation bill is not a solution to high gas prices. Warren Buffett, who is a pretty good observer of the American economy, has said it is not speculation, it is supply and demand.

I know for people who may be watching the Senate, they may ask: What are you hung about up about in the Senate? Why don't you work across party lines and come up with some good ideas about supply and some good ideas about demand and put them in a piece of legislation and vote on it and go home and you will have taken a big step in the right direction?

We have said that is what we want to do: oil shale, offshore drilling, and plug-in cars.

The problem is, we haven't been able to do that because the Democratic leader, for some reason, is reluctant to do the supply part of supply and demand.

Mr. DOMENICI. I want to also say, Mr. President, I think some of us who work hard in the energy field know why the price of oil has dropped a little.

First, those of us who have worked at it are concerned about the supply and demand problem because we entered an era for a short time when, obviously, there was no more new supply on hand and the demand was growing. And guess what happened. The United States, the American people, not because we passed a lot of laws but because they felt the price of oil in their pocketbooks, changed the way they behaved, and as a result they saved enormous amounts of crude oil. We estimate right now that U.S. demand has been decreased by 4.3 percent, and that is about 1 million barrels a day.

When the Senator just spoke a minute ago, he was right. He gave the numbers, and 5 percent of that number would have been 1, and that is what we are at—1 million barrels. That came down. That lessened the demand, the world economy had some problems, less money was spent, and the demand came down. That was supply and demand working at its best.

Mr. ALEXANDER. I would say to the Senator from New Mexico, that is 1 million barrels a day using less. What we are saying, with plug-in cars and trucks, we can cut out another 4 million barrels a day over a few years. But if we use offshore drilling and oil shale, we can add 3 million. So we can reduce by one-third our imported oil and change the price of gasoline. And I would say to the Senator from New Mexico that some people say: Well, changing the price is way off in the future. I thought that today's price is based upon the expected supply.

Mr. DOMENICI. You bet.

Mr. ALEXANDER. And the expected demand. From the day the world thought that we might increase that by a few million barrels a day, or reduce that by a few million barrels a day, the prices started going down. Am I wrong about that?

Mr. DOMENICI. Well, if you say just coming up with the idea would do it, then I would say no, the Senator is not right. But if we were to have done that, and it was a matter of law in America that we were going to find more because it was there—you know, Americans are pretty good at drilling. Americans don't mind using the word ''drill.'' They have told us now in the polls, in answer to the question, that they are, by 75 percent, for more drilling if it is on property we own. In fact, offshore has been the answer. So they want us to find more, and they also want to use less.

It is obvious that if we would have passed that—and anybody who says we could not have because we didn't have time is just trying to pull the wool over the eyes of Americans. How many days would it take to do that if we had the will and we were given 7 days and we made a deal? We can't make a deal on anything else, but if we made one and we were going to have 7 days to debate this bill, amendments come as they may—take down the thing that the majority leader put up there because he didn't want us to vote—7 full days of debate—we could have produced a bill that would have opened the offshore permanently, except for the 15 percent that is already open, and we would have adopted the use less, find more provisions you have so eloquently brought to us from some of your experts, the experts you talked to, some of them at your National Laboratories.

Just think, after we passed that and had a signing ceremony at the White House to say: Here is what we have done, Americans. You are saving on your own, so you are using less, and we really think that is great, but we think there is still danger the price will go up, so we want to find more to keep it down—we are having the ceremony where we are celebrating both.

Mr. ALEXANDER. The Senator says we could have done that in maybe a week.

Mr. DOMENICI. You bet.

Mr. ALEXANDER. We could have agreed to a large number of amendments and said: Let's have an hour on each amendment and let's have a vote, and we might win some or lose some. But may I remind the Senator that Senator REID brought this to the floor nearly 2 weeks ago. Could we not have started on that day to have amendments from the Republicans and amendments from the Democrats, limiting debate to 1-hour per amendment with all amendments germane to energy? Wouldn't that be a normal way for the Senate to work?

Mr. DOMENICI. You were here, and we got three energy bills through. People think we did nothing, but we did. We had a 6-year span here where we did a lot for energy. We changed the CAFE standards for cars. What is that going to do? Use less.

Mr. ALEXANDER. That is the single most important step Congress could take to reduce our dependence on foreign oil, according to experts at the Oak Ridge National Laboratory, and Congress did that last year.

Mr. DOMENICI. And we did it with just one other item. It certainly didn't take as long as we have been down here talking instead of offering amendments—because we could not. We passed it, and there it is. Everyone knows it is great.

People are telling us: Don't worry about the offshore, it takes 10 or 15 years. Do you know what they told us about the ''use less'' provision that is so important, called new CAFE standards for American automobile fleets, all our cars? They told us that will not be totally effective for 20 years. The curve goes like this: you start—you don't save any, you don't save any, and then in the 15th and 20th years, you start to finally save.

Should we not have done it because it takes a long time to take effect? Of course not. We were told to get started on it because, as you said, it is the single biggest way to save gasoline and diesel fuel that anybody knows of.

Mr. ALEXANDER. It seems as if our job, Senator, the way I always remembered it, was to look ahead 5 or 10 years.

Mr. DOMENICI. Sure.

Mr. ALEXANDER. What if President Kennedy said we can't go to the Moon because it might take 10 years or Benjamin Franklin said we can't have a republic because it might take 50 years? And we also said—you just said it: From the day we pass legislation that includes oil shale, offshore drilling, plug-in cars and trucks—from the day we do that, then the buyers and sellers of oil say: It looks as if there is going to be a larger supply and less demand, and maybe we will pay a little less for oil.

Mr. DOMENICI. I want to talk to the Senator for a minute about whether we are capable of doing big things that affect the energy field. We had a chance here in the last 7 to 10 days to do something rather big. But do you know what we did 4 years ago? I was fortunate. I left the Budget Committee, where I was chairing—it seemed as though I was, at the pleasure of the Republicans, running that thing for so long, they never wanted me to step down. I finally got tired of it, and I took the Energy Committee. The first bill we passed addressed an issue that is part of this ''find more.'' It addressed the issue of why we did not build a nuclear powerplant for 27 years. We answered it in that legislation, didn't we?

Mr. ALEXANDER. And there has been a remarkable change today just because of that legislation 4 years ago.

Mr. DOMENICI. Do you know how many applications there were when we passed that legislation, for all America? Zero. That meant something was awry.

Mr. ALEXANDER. For nuclear powerplants.

Mr. DOMENICI. We had not built any. You have to apply, and so you go there and look and you see whether there are any applications. As of today—I just got a briefing—do you know how many full-blown applications there are to build, locate, and design? You can put all that in one now. It takes a long time—4 years after you have done it. Sixteen American companies or consortia of companies, even though it takes a long time and they are going to have to have their money at risk for a long time, put their applications in and said: I want to get in line because I want to build, I want to find more energy.

We are really grateful; for once, we have one where we don't have to argue about pollution, right?

Mr. ALEXANDER. It is the only source of large, dependable amounts of energy with no carbon, no sulphur, no mercury, no nitrogen. It is our cleanest. And as the price of coal goes up and natural gas goes up, it is the least expensive of our reliable forms of energy.

Mr. DOMENICI. So, you see, when there is a will, there is a way. The problem is, there was no will on the part of the Democratic leader—and perhaps some behind him. I am not going to say all of them, but surely they didn't express any dissatisfaction with what was going on until, at the end, we started feeling there was some rumbling going on. Maybe they had some friction. But nobody over on that side seemed to be saying to their leader: We want to get busy here and have some votes. There was not a will, so you can't do it. You couldn't change nuclear power without a will.

In that same bill we were referring to, we changed a lot of things. I wanted to tell you, one thing you have been interested in is the electric grid because you are concerned about how we are going to get the electrical power when we cannot build powerplants. Certainly, it takes a long time to use this nuclear one as the way. It takes a long time. You can build coal fastest, but there are a lot of problems with EPA and others on that, right? Then you can build natural gas. That is pretty much—you and I look upon that as Senators and say: Yes, you can do it, but it sure is risky because we need that natural gas so badly. But that is the only way they built them in the last few years. That bothers you, right? Doesn't it? Aren't you worried about that?

Mr. ALEXANDER. Madam President, how much time do we have remaining?

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator has 1 minute 7 seconds remaining.

Mr. ALEXANDER. Let me ask the Senator from New Mexico on our last minute and 7 seconds, one of the descriptions I like is his description of how we need to produce more American energy as our bridge to the future when we will have a different kind of energy.

Mr. DOMENICI. I would think, if we could start using these words—we need a bridge to the future—and then we got together and thought about that and then said, What is that? Remember a while ago I told you how long it would take in the city of Austin before you would get all those cars that are using oil off the streets?

Mr. ALEXANDER. Ten to fifteen years, half of them.

Mr. DOMENICI. Half of them. And then all the other things we talked about, CAFE, how long it would take going up and then start down—that applies to so many things in America that the truth is we are not going to be in a position to look to new, brand new generation of energy to move cars and trucks. We can't do that for a decade. So there is a bridge taking place, a bridge from now until we do not need oil any longer. But what does the bridge consist of? It is oil. Oil is the bridge between now and the time we do not use oil.

I regret to tell you, for anyone who thinks there is no bridge—it just comes to me now—then they can walk into a canyon and drown in the water underground that is running there because they didn't walk on a bridge and they drowned themselves. I do not want to drown our country. I want to find new oil so the bridge will be less somebody else's and more ours.

I understand the Chair tells us we are out of time. We will behave very well. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

REFUELING TANKER PROGRAM

Ms. CANTWELL. Madam President, I come to the floor this afternoon to join my colleague from Washington State to talk about—I actually say it is an energy issue. Yes, it is also about the Air Force and Department of Defense air refueling tanker program, but I believe it fits well into this debate today because we are talking about energy and the high cost of energy.

This week, I am sending a letter to Secretary Gates, along with my colleague, Senator MURRAY, to make sure the Pentagon is doing its job and eliminating the evaluation errors identified by the GAO to make sure we have a fair competition and an even playing field when it comes to the air refueling tanker program.

The fact is, our military's air refueling requirements are already well known. The original requirements were developed with input from the warfighting combatant commanders and approved by the Air Force Requirements Oversight Council and the Joint Oversight Requirements Council. According to the Federal rules, major changes to these requirements cannot be made without going through this process again.

I think failing to account for what are full life-cycle costs and estimates or changing the requirements in the RFP would be another colossal failure in this long process. This was an evaluation problem, not an RFP problem. I am here to say that if the Pentagon fails to learn the lessons from the GAO decision and changes the requirements that have already been set, then I am sure they will hear from many of my colleagues and myself here in Congress. There may even be another GAO protest.

The American people do not want to have an amended RFP that will result in a protracted protest rather than the tanker procurement we are all seeking. Therefore, the new competition should be based on the requirements that were reflected in the original Request for Proposal dated January 29, 2007. The world our warfighters are operating in has not changed since those requirements were set. I see no need for them to be changed.

We are here on the floor now talking about the high cost of energy. The Boeing Company worked hard to meet the Air Force requirements for the tanker bid process. It picked the 767, the platform that best matched those Air Force requirements. If the Air Force had called for a larger tanker, Boeing could have offered a bigger plane, the 777, with far more fuel capacity. But the plane that Boeing picked, the 767, is a much better match for us, the American taxpayer, and for our environment.

The Air Force currently uses more fuel than any other branch of the military, and the Boeing 767 plane burns 24 percent less fuel than its competitor and would have saved the taxpayers approximately $30 billion over the life of these tanker planes.

As my colleagues are talking about what to do about the high cost of fuel, I ask them to consider one of the Government's largest users of fuel—the Air Force—and whether we should make sure fuel efficiency is integrated into the Air Force's procurement decisions.

The Air Force uses more than half of all the fuel the U.S. Government consumes each year, and aviation fuel accounts for more than 80 percent of the Air Force's total energy budget. In 2006, the service spent more than $5.8 billion for almost 2.6 billion gallons of jet fuel—more than twice what it did in 2007.

The American taxpayers obviously cannot afford their own higher fuel costs. I do not see how the American taxpayers can afford the U.S. Air Force running up a higher cost energy bill as well.

An Air Force Assistant Secretary told the House Armed Services Committee that it wants to leave a greener footprint, with more environmentally sound energy resources. He testified that the rising gas and oil prices had forced the Air Force to take a harder look at the budget to find ways to save money while maintaining a high operations tempo in the war on terrorism.

Assistant Secretary Bill Anderson said this:

> The increasing cost of energy and the Nation's commitment to reducing its dependence on foreign oil have led to the development of the Air Force energy strategy, to reduce demand, increase the supply and change the culture within the Air Force so that energy is considered in everything that we do.

I believe the Boeing 767 would have been a much better choice for the Air Force in energy savings and fuel efficiency. As I said, it burns 24 percent less fuel than the alternative that was put on the table. The Air Force did not give full consideration to the national security impact of these fuel efficiency issues when it made its decision on the tanker.

Given that the Air Force, as I said, uses more than half of all of the fuel the U.S. Government consumes, I hope they are thinking about the big picture issue when it comes to making sure our Nation reduces its dependence on foreign oil.

This 767 has greater operational flexibility. It can land on shorter runways and it can be based at more locations worldwide with existing infrastructure instead of making us, the taxpayer, pay for more and more infrastructure costs.

Boeing's medium-sized 767 tanker makes a lot more sense than the oversized option that was originally outlined by Northrop Grumman/EADS, and its greater operational flexibility.

The tanker size was determined in the original requirements. And so the fact this plane, the 767, is more fuel efficient, can land on shorter runways, can have more base operations, in fact, over 1,000 more base operations worldwide, and the fact that the other costs to the taxpayers in the long run are lower compared to the other offer the Air Force is considering, we must make sure we are doing our job here on the floor of the Senate to make sure these issues of cost savings to the taxpayer are considered.

I want to make sure the Department of Defense takes a hard look at these issues and weighs the loss of critical skills in the U.S. manufacturing base. In this time of challenge, America wants to know it can rely on a workforce and manufacturing base here in the United States for our preparedness for whatever conflict comes in the future.

I want to make sure that the problems identified by the Government Accountability Office are corrected and that we move forward. But failing to account for lifecycle costs on fuel, on infrastructure, on maintenance would also be another failure in this process.

I hope my colleagues will remember this was an evaluation problem, not the RFP. And we hope we will straighten this out as we move forward.

I see I am joined on the floor by my colleague, the senior Senator from Washington. I hope she too can add to the focus of how those high costs are something we should be considering in making sure the Air Force moves forward on the appropriations choice to give the men and women of our country a long overdue air refueling tanker that we deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I come to the floor this afternoon to join my colleague from Washington State and thank her for her comments and attention on this enormously important issue to our State and to our entire country.

As she outlined earlier this month, the Department of Defense took a rare step involving a major procurement contract. Defense Secretary Gates decided the competition to replace the next generation of aerial refueling tanker was so flawed that it should be rebid. He elevated that competition from the Air Force to his office, and he promised to address all of the findings raised last month in a Government Accountability Office ruling which determined that the contest was skewed in favor of the European company Airbus and against Boeing.

I was glad to hear the Defense Secretary had decided to take new bids and start over. But I come to the floor today to join with my colleague from Washington State because I too have very serious concerns about the Pentagon's plans for that new competition. Some Pentagon officials are already indicating to us they are considering using this opportunity to amend the request for proposals to give greater weight to a bigger plane.

As a result of those comments, defense experts and analysts are now beginning to predict that as a result of that, the contract will simply go back to Airbus. I brought this up in a meeting this week with Acting Air Force Secretary Donley, in which we discussed the history of this tanker contract, and we talked about the needs of the Air Force, the criticisms that have been lodged against the latest competition, and our concerns about the amendment to that RFP that would tip the scales to favor one bidder.

I am not saying the Pentagon cannot change the requests for proposals. However, I strongly believe that all those changes have to be rooted in the original requirements that were set out by the Air Force when it began the process of replacing the military's midsized tanker, the KC–135.

I recognize the Pentagon's procurement team is very serious about getting this competition right. They want to get the right tanker for our warfighters. They want to do it quickly. But I also want to make it clear that if the Pentagon moves forward with this effort, officials must take the GAO's findings seriously and ensure that this competition is as fair and transparent as it can be.

Last month the GAO upheld eight points of protest that were raised by Boeing, including that the Air Force changed directions midstream in the process about which criteria were more important. It did not give Boeing credit for providing a more capable plane, according to the Air Force's description of what it wanted. Yet it gave Airbus extra credit for offering amenities the Air Force did not even ask for. The GAO report said the Air Force deliberately and unreasonably increased Boeing's engineering costs. When that mistake was corrected, it was discovered that the Airbus tanker actually cost tens of millions of dollars more than Boeing.

The GAO found that the Air Force accepted Airbus's proposal even though Airbus could not meet two of their key contract requirements. They could not meet the contract requirement, Airbus could not, and refused to commit to providing long-term maintenance as was specified directly in the RFP, even after the Air Force repeatedly asked them for it.

Secondly, the Air Force could not prove that Airbus could refuel all of the military's aircraft according to procedure. This goes to show how there were major flaws that occurred throughout that process.

So as it continues with this competition now, the Department of Defense must make sure there is no reason to question its motives. If they truly plan to make this a fair contest, Secretary Gates has to ensure that before the selection team reopens this competition, it goes back and addresses each one of those GAO findings. It has to ensure that both companies are on the same footing and it has to prove the competition is as transparent as possible. Our refueling tankers are the backbone of our global military strength. They are stationed around the world today and they service planes from every branch of our Armed Forces. This is a contract that is ultimately worth more than $100 billion. We are going to have these planes for decades. We cannot afford to make mistakes.

As I said at the beginning of my remarks, I recognize that Secretary Gates is very serious about getting this competition right. At the end of the

day, this is about getting the right equipment for our airmen and airwomen who are put in harm's way for our security every day. Our servicemembers deserve a plane that will enable them to do their job and return home safely.

Our taxpayers deserve to have confidence that the errors are going to be fixed in this contract as the GAO outlined. So I come to the floor today to say, as the Pentagon moves forward with this effort over the next several weeks, I strongly urge our officials to take those GAO findings seriously and ensure this competition is as fair and transparent as it can be.

SAMUEL SNOW

While I am on the floor this afternoon, I want to take a moment to say a few words about a different topic; that is, about a gentleman who sacrificed very dearly for our country.

My colleague from Florida, Senator NELSON, was on the floor earlier today talking about a veteran named Samuel Snow who traveled from Florida all the way to my home State of Washington, all the way across the country this past week, to finally receive the honorable discharge from the Army that he deserved to get more than 60 years ago.

This man traveled from Florida to Washington to finally get an honorable discharge 60 years later. Samuel Snow was one of 28 African-American soldiers who were wrongly prosecuted in a court martial for a crime that occurred in Seattle at Fort Lawton in 1944.

Last weekend, 64 years later, the Army finally publicly acknowledged that Mr. Snow and 27 others were unjustly convicted and issued a formal apology. As my colleague from Florida talked about this morning, Mr. Snow came all the way from Florida to Seattle and participated in the dinner there with sons and daughters of some of the men he served with in prison. But later that evening in Seattle, Mr. Snow checked himself into a hospital, and he missed the next day's ceremony. His son Ray Snow went to the ceremony and accepted the honorable discharge on his father's behalf, that honorable discharged he had waited decades to receive, and took it from that ceremony, went to his father's hospital bed and was able to hand it to him personally and see the smile in his dad's eyes for the first time.

Sadly, very sadly, his father, Mr. Snow, passed away shortly after he was handed that honorable discharge. Samuel Snow was a hero for our country who suffered unjustly. He deserves the thanks of our entire country for his service and his sacrifice. My thoughts now are with the Snow family during this difficult time. I am so glad he was able to finally receive that honorable discharge he waited for so many years and to receive it before he died.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

RESEARCH TAX CREDIT

Mr. HATCH. Madam President, I rise today to express my growing alarm over the current state of the expired and expiring tax provisions, and to express what I see as real problems in getting these important provisions taken care of before Congress adjourns this year.

My office is increasingly being contacted by businesses and individual taxpayers, not only from my home State but around the Nation, who are asking what the delay is in taking care of the so-called extenders. I am sure this is true of all offices of all of my colleagues on both sides of the aisle.

It is already way past the time when Americans should have been able to expect a reasonable Congress to take care of what in prior years has been a fairly routine issue. While the almost annual rite of passing a tax extenders bill has never represented an ideal way of governing, the Congress has generally exercised a modicum of responsibility in getting this chore taken care of within a reasonable time. That is, until recently.

Over the past several years, Congress's ability to take care of what is the least common denominator in our duty to ensure a stable tax system has eroded. We are now bordering, in my opinion, on gross negligence. No wonder the Congress's approval ratings are so incredibly low.

Mr. DURBIN. Would the Senator from Utah yield for a question?

Mr. HATCH. I would be happy to.

Mr. DURBIN. We were doing half-hour segments. We had 11 minutes remaining on ours. How long is the Senator planning on speaking?

Mr. HATCH. Not more than 10 minutes.

Mr. DURBIN. I ask unanimous consent that we have some reallocation of the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The time will be reallocated.

Mr. HATCH. I was told to be here at 5:40. I thank my dear colleague for his kindness and understanding of the situation.

Senate leaders on both sides have tried to make progress on the extenders bill but have repeatedly failed. The distinguished majority leader has chalked up this failure to Republican obstructionism, as he has with almost every other failure of his party to pass legislation this year, or legislation they desire.

Contrary to the accusations of our leader on the other side, the reasons for Republican opposition to the Democratic extender bill are grounded in principles of solid tax policy and fiscal responsibility. Unfortunately, our position has been grossly distorted by many on the other side and many Democrats on the outside. The Democratic extenders legislation has failed because it contains fundamental flaws. The other side is insisting on raising taxes to pay for the loss in revenue from extending the expired tax provisions. Their so-called pay-as-you-go or pay-go rules call for all revenue losses to be matched with revenue increases or certain spending decreases. While I continue to be a strong believer in fiscal responsibility, there are three basic reasons why Republicans have rejected the false fiscal responsibility of the Democratic extenders bills.

First, it is wrong to raise taxes on one group of taxpayers in order to prevent another group of taxpayers from suffering an increase in taxes. Second, it is wrong to offset temporary extensions of current law with permanent tax increases. Finally, it is wrong to increase taxes at a time when the Federal Government is already collecting more revenue as a percentage of gross domestic product than the 40-year historic average. This is particularly true at a time of slow or no economic growth. Our friends on the other side are ignoring a solution the Republicans have offered that would finance the tax extenders bill in a fiscally responsible way. We believe we should reduce the explosive growth in Federal spending instead of raising taxes in order to offset the revenue losses. Just during this Congress, Democrats have passed billions of dollars of new spending without bothering at all to offset the effect of these increases on the deficit. Billions more of new spending has been approved through the Democratic budget resolution.

Among the tax provisions that have already expired is one the business community relies on to keep products and processes flowing, innovations that are the lifeblood of our economy. Businesses across the country are, once again, anxiously waiting to see if we will reinstate this important incentive for innovation, the research tax credit, which I have championed for decades. The purpose of the research tax credit is to encourage investment in technological innovation. Companies generally cannot fully recover R&D expenditures, thus discouraging companies from investing in innovation. The Federal Government provides tax incentives in order to support business R&D, and the business community is depending on us to continue to support R&D. We cannot wait until the end of this year to commit to this vital investment, this vital tax policy. The time is now.

At a time when we are looking for ways to spur economic growth, I know of no thoughtful person who does not believe research and development is vital to our economy and to our future prosperity. My colleagues on the other side of the aisle are trying to create ridiculous permanent offsets in order to pay for temporarily extending the research tax credit which I argue we cannot afford to lose.

Many U.S. companies are looking elsewhere to establish their R&D activities. Testifying before the House committee on Science and Technology, Dr. Robert Atkinson, president of the Information Technology and Innovation Foundation, testified that ''eight of the top ten [research and development]-spending companies in the world

have established R&D facilities in China.''

They could just as easily have been established here. If we are not careful, we will soon not only be dependent on foreign oil but also dependent on foreign research and development. The result would be a tragic loss of American jobs, economic growth, world leadership, and prestige. We simply cannot allow this to happen. Here we have a tax incentive that has been around for almost 30 years, which enjoys wide acceptance by the business sector, the academic community, economists, and which has very broad support from practically every corner of the political spectrum. Yet this tax credit provision has been allowed to expire 13 times. Each time we play the extension game, Congress seems to get a little more cavalier about the expiring or expired provisions in general and the research credit in particular. While we play this extension game, our business community loses out on chances of innovation that could spur economic growth at a time when we need it to be spurred.

Now is not the time to create tax uncertainty for employers. A retroactive or, even worse, lapsed research credit will cost American jobs. There is no way you can avoid it, if we don't get this done. Seventy percent of research tax credit dollars are used for wages of R&D employees. It is estimated by the Information Technology Association of America that the lapse of the research tax credit will cost the economy $51 million per day. Are my friends on the other side of the aisle willing to risk losing American R&D jobs and severely impact the already difficult U.S. economy in the name of a perverse and wrong-headed sense of fiscal responsibility?

We cannot drive our economy into the ground in the name of false fiscal notions such as a pay-go rule that is used only to grow Government and to add more taxes to people. Tax increases are not the prescription to what ails our economy. But extending these expiring tax cuts and making the research tax credit permanent will help our economy grow. I urge my colleagues on the other side of the aisle to reconsider their opposition to spending cuts as a way to responsibly pay for the cost of extending the expired and expiring tax provisions. I wish we could make the research tax credit permanent. If we would, it would help our economy. It would help companies to have some sense of what is going to happen in the future. It would help them in their planning. It would help create jobs. It would help to create more and more innovation. My gosh, it makes sense. I hope my colleagues will reconsider and that we can get this tax extenders bill passed as soon as possible.

Having said all that, I thank my friend, the majority whip, for his graciousness in allowing me to make this statement, especially since I have been picking on him to a degree, only in good nature but also in seriousness. We have to work together. We have to start solving some of these problems. We can't do it by always increasing taxes.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The majority whip.

Mr. DURBIN. Madam President, the Senator from Utah is my friend. We disagree on so many things politically. But on a personal basis, we have a very good friendship and relationship. I am hoping the day will come when we find that issue on which he and I can march together arm in arm to achieve greatness for the country. I know that day is coming. I am an optimist.

Mr. HATCH. If the Senator will kindly yield, this is the issue. This is one we could both march arm in arm on. We both agree. The question is, How do you pay for it? Frankly, we are not going to go with the pay-go rule. We have to find some other way. I would like to make it permanent. I would like to get rid of the AMT that is hurting so many, 24, 25 million people. I believe my colleague wants to do these things as well. But we have to find a way of getting together and doing it. I think my good colleague knows where I stand on these issues.

Mr. DURBIN. I thank the Senator from Utah.

Madam President, we have a deficit. It is terrible. It is a debt which is growing. It is a mortgage on America. Our children are going to be saddled with it. The mortgagor, the bank for America's debt? China, Korea, Japan, the OPEC nations; they are holding our mortgage. Many of us believe this isn't fair to our children and grandchildren to continue to pile on the debt. We came up with a very simple approach. If you want to spend money, you have to pay for it. You either have to raise taxes or cut other spending. If you want to cut taxes, you have to have some balance; in other words, cut spending or raise another tax. When it is all over, we want a zero sum so it doesn't add to the national debt.

I don't think that is unreasonable because it means we have to make choices. Here is the choice we faced in the last 2 days. We have a thriving industry in America for renewable energy. I can't believe what is going on in my State of Illinois. I go into parts of downstate Illinois and see farm after farm covered with wind turbines. Outside of Bloomington, IL, is the Twin Groves project, 240 wind turbines generating enough electricity for cities in Bloomington normal—no pollution, farmers love it because they get paid for the wind turbines on their land, and they can plant the corn and soybeans right up next to it. So it is a win-win situation, and it is there because we had a provision in the Tax Code which created an incentive to invest in wind power, solar power, geothermal, the clean energy solutions that will generate electricity without causing more global warming.

We brought it to the floor. We said to our colleagues: We need to renew this. It is about to expire. If we don't renew it, these businesses may not reinvest. But giving a tax break takes money out of the Treasury, so we want to balance the books. To balance the books, we suggested raising a business tax to offset the cut in taxes for renewable energy, balance the books. The Republican side, the party of so-called fiscal conservatism, rejected this. As my friend from Utah said, they don't believe we should have to pay for tax cuts.

Well, tax cuts, unfortunately, take money out of the Treasury and add to the deficit. We think balancing the books is the only way to get this deficit under control. So when the vote came—there are nominally 51 Democrats, 49 Republicans—there were a few absences on both sides, but we were able to attract 5 Republicans who would join us for the renewable energy tax credits.

The others said: There is no way. Forty-one of the forty-nine Republican Senators have signed a letter which I call ''death before taxes.'' It is a letter which says they will never—ever, ever, ever—vote to increase a tax, never. That kind of paints you into a corner. Because if you are not willing to increase a tax on someone to cut a tax on someone else, you are stuck with a Tax Code that never changes, or you are stuck with a deficit which continues to get worse and worse as you try to make the Tax Code a generator of economic growth.

The Republicans, for the last several weeks, have been on the floor talking about America's energy picture. They should. We have talked about it a lot on our side of the aisle. Their solution is a solution which is old-time religion: Drill, drill offshore, drill onshore, drill everywhere. If we drill and find more oil, we will be fine.

They ignore the reality. The reality is, if you look at the entire potential supply of oil in the world, the United States has access and control of 3 percent of the world's oil. Each year our economy consumes 25 percent. So let's do the math. If you drilled all the oil available in the U.S. offshore/onshore, how long could we sustain our economy just by drilling? The answer is, we couldn't. It can't be done.

What is the alternative? You can import oil, which we are doing now, 70 to 80 percent of the oil we use is brought in from overseas, from other countries, or you can find another approach—responsible exploration and production in America that doesn't violate basic environmental regulations, doesn't run the risk of contaminating or polluting offshore, and then a forward-looking approach to energy, an approach which looks for renewable, sustainable sources of energy for the future, that deals with the possibility that we will replace current electric power generation with pollution-free generation from wind turbines and solar power,

moving toward a new generation of cars and trucks.

A few years ago, about 4 or 5 years now, I offered an amendment on the floor to improve CAFE standards. We had not increased fuel efficiency in cars for over 20 years. We were stuck with an old number. We were falling backward. People bought heavier trucks and SUVs, and they were not as fuel efficient. So I said: Let's have a new goal, moving toward more fuel-efficient cars. Let's have a challenge to our industry and to our science to find these new cars for the future, safe cars, cars that use less fuel and meet our needs. I got beaten badly on the floor when I offered that, but gasoline wasn't $4.50 a gallon then. I lost that attempt twice in a row. The votes weren't that good. I am not sure I even had 30 votes out of 100 for the idea of fuel efficiency. But someone once said: There is nothing more pregnant than an idea whose time has come, and with gasoline at $4 a gallon, the idea's time has come. We passed a law to require more fuel efficiency in years to come. So we are moving in the right direction there. That is the future for us. The future for us is to find ways to conserve, find ways to be more fuel efficient, find ways to generate more renewable energy that doesn't pollute the environment.

Today's vote was a disappointing vote. We tried to create incentives for renewable energy, and only 5 Republicans out of 49 would come and vote with us. Four of the five are up for reelection, some of them facing tough contests in November. They know it is hard to explain voting against this bill. They voted against our bill, which would have created incentives for biomass and hydropower, incentives for solar energy and microturbines, biodiesel production, renewable projects, coal electricity, advanced coal electricity demonstration projects, plug-in electric cars, new batteries that we will need for plug-in hybrids, ways to reduce pollution from trucks with idling reduction units, installing more E–85 fuel pumps around America so consumers have a choice to use a cheaper and more environmentally friendly fuel, home credits, building credits. All of these were incentives to move America in the right direction, not the wrong direction, and only 5 of the 49 Republicans would vote for that.

Their goal is more drilling. Their agenda is written by the oil companies. The oil companies have consistently asked for more and more and more that they can put in their portfolio of possible areas to drill. However, currently there are 68 million acres of federally owned land under lease to the oil companies that they are not using, they are not exploring. They are not bringing oil and gas out. They have ample opportunity in that area and others to meet the needs of future exploration. They are not doing it. Yet from the Republican side of the aisle, we hear they need more.

This sign shows that the Republicans have engaged in 91 filibusters in this session. For most people who are following this debate that number may not mean much. In the history of the Senate, the largest number of filibusters in any 2-year period of time was 57 before this session. What is a filibuster? It is an attempt to slow down or stop the Senate from acting. Ninety-one times the Republicans have tried to slow down or stop the Senate from acting. Today they did it again. They stopped us when we tried to pass this energy policy for America that creates incentives for renewable energy.

That isn't all that was in this bill. It wasn't just about energy alone. In this bill was protection for working families from the alternative minimum tax, creating more tax liability for them in next year's return. That is a good bill as far as I am concerned. We should be protecting working families who are struggling to get by.

In this bill as well was $8 million for the highway trust fund. We are afraid this highway trust fund will run out of money before the end of the year and 400,000 good-paid workers would lose their jobs in America. I don't want to see that happen in my State; I don't think any Senator does. We tried to protect our economy from that happening in this bill.

There was a provision, totally unrelated—and critics of Congress say: Why do you do things like this? Why would you put that provision in a bill about energy and jobs? But I will tell you, I would put that provision I am about to describe in any bill. It is called mental health parity. This bill would require private insurance companies to provide opportunities for people to buy health insurance to cover mental illness. We have been fighting for this for as long as I have been in the Senate. The fight was started by Paul Wellstone of Minnesota. What a great man he was. We lost him when he died in a plane crash 6 years ago, and we have tried to pass this bill ever since. I think we should put that amendment on every bill. There are so many American families who are affected by mental illness. We put that before the Senate today and only five Republicans would vote for that. I don't understand their thinking. Many have said they really believe in it, but they wouldn't vote for it. That is where we are.

So their filibuster ended up stopping a bill from moving forward, as it did earlier this week. Earlier this week, another Republican filibuster stopped a bill which had 34 or 35 provisions in it to deal with a number of different issues. Some of them were health related: a registry for those suffering from Lou Gehrig's disease so we can do better research in finding a cure; efforts for additional research in rehabilitation activities at the National Institutes of Health for those suffering from paralysis; a stroke treatment bill, a bipartisan bill—all of these bills, incidentally, have passed the House of Representatives overwhelmingly. The Melanie Blocker Stokes MOTHERS Act—one I am familiar with—dealing with postpartum depression to try to make sure new mothers who are suffering from that depression get the treatment they need. Vision care for kids so that we help the States pay for more visual screening so kids don't fall behind in the classroom simply because they need eyeglasses.

Then we had a number of bills out of our Senate Judiciary Committee: a bill to reauthorize a program to find runaway and homeless kids. The Emmitt Till unsolved Civil Rights Crime Act, Senator DODD and I and others have cosponsored this one. Those responsible for killing civil rights workers, no matter how long ago, should be held accountable, and this bill would have moved us in that direction—a bill to deal with mental illness and crime, unfortunately, closely linked, and we should be doing something about it; bills dealing with reducing Internet child pornography.

All of the things I have just mentioned—health care and crime related—were in a package of bills which the Republicans refused to support. I don't get it. I don't understand it. I don't know how you could go home and explain to the people you represent that you voted against these bills. Obviously, they think it is easy to do, and maybe it is for them. It wouldn't be for me. In the State of Illinois, there are too many people affected by these bills.

The Republicans consistently—with their filibusters and holding back their votes—have stopped us from doing the people's work. I understand when people think of Congress across America, it is not in positive terms. They want us to do more. They want us to respond to the issues of the day, the things that make a difference. Whether we are dealing with medical issues, of research; whether we are dealing with law enforcement; whether we are dealing with the energy picture—these are things on which we should be voting to move forward. However, time and time and time again, the Republicans, through their filibusters, have stopped us in the Senate. That is what happens in a 51-to-49 Senate where it takes 60 votes to do anything significant. They have control of the agenda—at least control enough to say no—and they have said no repeatedly on 91 different occasions with their filibusters, breaking all the records in the Senate.

I wish to get back to this energy policy. I don't want us to go home without addressing it, but I am afraid the Republicans have closed the door not just yesterday but again today. Earlier, the leader on the Democratic side, Senator HARRY REID, read from this morning's New York Times, July 30, an article by Tom Friedman entitled ''Drilling in Afghanistan.'' What Tom Friedman said about the Republican strategy on energy, I think, really hits the nail on the head. I quote from this article:

Republicans become so obsessed with the notion that we can drill our way out of the

current energy crisis that reopening our coastal waters to offshore drilling has become their answer for every energy question. Anyone who looks at the growth of middle classes around the world and the rising demand for natural resources, plus the dangers of climate change driven by our addiction to fossil fuel, can see that clean, renewable energy—wind, solar, nuclear, and stuff we haven't yet invented—is going to be the next great global industry. It has to be if we are going to grow in a stable way—

Thomas Friedman writes.

Therefore, the country that most owns the clean power industry is going to most own the next great technology breakthrough: The ET revolution—the energy technology revolution—and create millions of jobs and thousands of new businesses just like the IT revolution did. Republicans, by mindlessly repeating their offshore drilling mantra, focusing on a 19th century fuel, remind me of someone back in 1980 arguing that we should be putting all our money into making more and cheaper IBM Selectric typewriters and forget about those things called the PC and the Internet. It is a strategy for making America a second great power and economy.

So when it comes to paying for what we do on the floor of the Senate, the Republicans vote no. When it comes to an American energy policy that is forward looking, sadly, the Republicans vote no. When it comes to medical research in critical areas, this week the Republicans voted no. When it comes to crime provisions to deal with runaway kids and to deal with Internet pornography and children, this week the Republicans voted no.

There comes a point where you have to stand for something. We have tried our best to bring these issues before the Senate. We will continue to.

The last point I will make is this: There is one thing—one thing—the President can do tomorrow morning that can change the debate on energy in America instantly, and that is an announcement. There is an announcement he could make that the United States—which has a Strategic Petroleum Reserve of 700 million barrels of oil that has been gathered and protected for our national security—is now going to be part of our energy solution. If President Bush announced that he would start releasing oil from that reserve, selling it on the market, with the goal of bringing the price of a barrel of oil down to $100 from its current level of about $122, it would do more to breathe life into the American economy than any other thing. It would say: The United States can stop being a victim when it comes to energy and can become a player on the global market. It would send the signal that we are not going to tolerate $145-a-barrel oil and the prices it generates at the gasoline pump and when it comes to jet fuel for our airlines. If the President showed leadership in releasing oil from the Strategic Petroleum Reserve—if he called in the oil companies and put them on the carpet for the outrageous profits that they continue to report—we could turn this around.

Simply suggesting that we have to drill more offshore in the hopes that 8 to 14 years from now there will be additional oil is not going to solve our energy problem. It is yesterday's answer. As Senator DORGAN from North Dakota has said so frequently: When the Republicans think of energy, it is yesterday for everything.

Let's think about tomorrow. Let's have an energy policy that looks forward.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

MENTAL HEALTH PARITY

Ms. KLOBUCHAR. Madam President, this afternoon I spoke about how important it was to pass that extender bill, how important it was for my State and for the rest of the country to promote green jobs, to look at this new energy future, to stop spending $600,000 a minute on foreign oil. I said this afternoon we only got four Republicans to vote with us on a bill that was paid for, a bill that was the right way to go—only four Republicans.

There was something else in that bill that is just as important to me and to my State of Minnesota and to the millions of people living in the shadow of mental illness, and that is the Paul Wellstone mental health parity bill that is included in that package. We have tried to pass this through the Senate over and over again. Senator DOMENICI on the other side of the aisle has been one of the biggest supporters and sponsors of this bill. Senator KENNEDY has worked on it. Senator DURBIN has worked on it. There are many people in the House, including PATRICK KENNEDY, and one of my favorite Republican Congressman, JIM RAMSTAD, who is retiring this year, and he doesn't want to leave the House until that bill gets done.

For me, the Paul Wellstone mental health parity bill is about Paul Wellstone. It is about everything he stood for. It is about fighting for the people who don't have a voice. It is about all the people who have come up to me in the Capitol, not the Senators but the secretaries and the tram drivers who remember Paul and remember how kind he was to them. This bill is about his brother Stephen who struggled with mental illness his whole life. Paul would always talk about how the house they grew up in was always dark because of Stephen's mental illness and how, after Stephen got better and went on to teach, what a difference it made in the family, but it was a lifelong struggle for him.

So this bill is for Paul. When Paul was alive, our friends on the other side of the aisle said they wanted to pass this bill. And when Paul died, they said they wanted to pass this bill. This is the time, and it was a part of that package. Senator KENNEDY is at home watching everything that goes on in this Chamber, and he wants to get that done. Paul's son, David, has been here, day after day, walking the halls of the Capitol, knocking on doors to get this done in his father's memory. I implore my friends on the other side to get this done.

Mr. DURBIN. Will the Senator will yield for a question?

Ms. KLOBUCHAR. Yes.

Mr. DURBIN. I served with Senator Paul Wellstone from Minnesota, who passed away 6 years ago, just weeks before the election. He and his wife Sheila, his daughter, several staff members, and the pilot and copilot were lost in that plane crash. I attended that memorial service for him at the University of Minnesota.

Paul had such a passion for so many issues. But the one thing that meant more than anything to him was this mental health parity bill. I am saddened that, 6 years later, we still haven't passed it. We only had 5 Republicans join us today and vote for it. I hope the Senator from Minnesota feels as I do, that we need to pass the Wellstone mental health parity bill—make no excuses, find no alternatives, other than to make sure it is named in his memory, the man who started us down this road and whose journey needs to be finished by us today.

I am glad the Senator from Minnesota is here to participate in that. It should be the highest priority before we adjourn this year. Since I need to ask the question, I ask her if she agrees.

Ms. KLOBUCHAR. I thank the Senator so much for that question. I know from his family, those he left behind, who miss him so much, this is what he wanted to get done. I actually remember, I say to the Senator from Illinois, the last time I saw Paul Wellstone before he went down in that tragic plane crash. It was at an event for new citizens. Sheila, his wife, was supposed to be there, and the two of us were talking about our immigrant families, where they came from and how they pulled themselves up and funny stories about our families in Appalachia. There were about 30 new citizens there and no press, no cameras. All of a sudden, by surprise, in walked Paul. You know, it was 3 or 4 weeks before one of the biggest elections in the country, and he was in that room with the new citizens.

I knew there were two reasons: One, he loved Sheila and he wanted to surprise her. Second was he embraced this idea that no matter where you came from, no matter what you have gone through in your life, you could pull yourself up in this country. That is part of why this mental health parity bill was so important to him. He had seen in his family how his brother struggled and was able to pull himself up. There was a horrible financial situation for their family. He didn't want that to happen to someone else. He felt that if you can cover physical illnesses, you should also cover mental illnesses. This bill is what Paul wanted to get done.

I know the majority leader and others have said the other side said they would pass it when he was alive and

then when he died. This is their chance.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

DETENTION OF GAMBIAN JOURNALIST EBRIMA MANNEH

Mr. DURBIN. Madam President, America has long been a champion and source of hope around the world for those suffering human rights violations—those holed up in dictators' prisons, those fighting for press and political freedoms, those bravely standing up to tyranny or injustice.

Many of those who have suffered, such as Vaclav Havel and Nelson Mandela, or continue to suffer this fate, such as Aung San Suu Kyi, are well-known to us. Sadly, for each one of them, there are many other, lesser known heroes being detained or harassed all over the world simply for wanting basic human freedoms.

Through our annual human rights reporting at the State Department, our diplomacy, and steady public pressure on basic human rights, the U.S. has traditionally been a source of hope for those being illegally detained or persecuted.

We should never forget what this kind of attention and pressure can accomplish and what kind of strength it provides for those being detained.

Take for example, Ngawang Sangdrol, a Tibetan nun who was detained and tortured for peacefully expressing her belief in Tibetan independence. She was freed after 12 years of imprisonment following immense public pressure. After her release she said,

> I have been overwhelmed by the outpouring of love and support . . . I am deeply touched to learn that many individuals, organizations, and governments . . . have worked towards my release. It is very clear to me that I have been released and allowed to come out to the free world for medical treatment and to enjoy my freedom because of international concern.

Or Gurbandurdy Durdykuliev, a political activist from Turkmenistan who in 2004 was seized and forced into a psychiatric hospital by the country's ruling dictator. His crime—requesting permission for a peaceful political rally.

He was released a few years later, just 10 days after 54 members of Congress sent a letter to the Turkmen Government about his case.

We should listen and act upon the appeal made by Aung San Suu Kyi, who has remained under house arrest in Burma for most of the last 19 years:

> Those fortunate enough to live in societies where they are entitled to full political rights can reach out to help the less fortunate in other parts of our troubled planet. . . . Please use your liberty to promote ours.

I realize we must also work to address our own recent shortcomings by unequivocally renouncing torture and by closing the detention facility in Guantanamo—and we will continue to work toward ending these shameful legacies.

At the same time, we must continue to speak out in support of those imprisoned for advocating basic freedoms around the world.

Many of us on both sides of the aisle have been arguing that America's strength resonates not only from its military power but from the power of its ideas and inspiration, the power of its values and hope, the power of its generosity and diplomacy—its smart power.

Sadly, I worry that a measure of this leadership, of this inspiration, and of this uniquely American hope has been lost in recent years.

Accordingly, today I want focus the Senate's attention on a tragic story from the small west African Nation of The Gambia.

Chief Ebrima Manneh was a reporter for the Gambian newspaper, the Daily Observer. He was allegedly detained in July 2006 by plainclothes police officers thought to have been from the Gambian National Intelligence Agency after he tried to republish a BBC report critical of President Yahya Jammeh.

He has been held incommunicado, without charge or trial, for two long years. Amnesty International considers him a prisoner of conscience and has called for his immediate release.

I agree.

Recent reports suggest he is being held at the Fatoto Police Station in eastern Gambia. In July 2007, he was also reportedly escorted by the members of the Gambian Police Intervention Unit to the Royal Victoria hospital in the capital for high blood pressure treatment.

Despite repeated attempts by Manneh's father and fellow journalists, including the Committee to Protect Journalists, to seek information on Mr. Manneh, the Gambian Government continues to deny any involvement in his arrest or knowledge of his whereabouts.

My direct request to the Gambian Embassy here in Washington has also been met with shameful silence.

Last month in Nigeria, the Community Court of Justice of the Economic Community of West African States declared the arrest and detention of Mr. Manneh illegal and ordered Gambian officials to release him immediately.

And yet the Gambian Government ignored this court's ruling as well—even though this court has jurisdiction for human rights cases in the Gambia.

Is the Gambian Government so afraid of one of its own reporters that it cannot even acknowledge his detention?

I say to President Jammeh: Release this reporter. Let him return to his family.

Sadly, Mr. Manneh's case is not alone in The Gambia. In December 2004, a critic of President Jammeh, and press freedom advocate, Deyda Hydara, was shot and killed. His murder has yet to be solved or investigated.

The government has also enacted laws muzzling the press and imposing mandatory prison sentences for media owners if convicted of publishing defamatory or seditious material—all part of a larger deterioration of basic freedoms in The Gambia.

Madam President, the United States needs to be a forceful advocate for these kinds of blatant human rights abuses. Doing so is not only the right thing to do, but it is the smart thing to do in terms of our engagement abroad and in demonstrating our American values.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I withdraw the motion to proceed to S. 2035.

The PRESIDING OFFICER. The motion is withdrawn.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

Mr. REID. Madam President, I made this unanimous consent before and it was objected to.

I move to proceed to Calendar No. 732. S. 3001, the DOD authorization bill—that is the Defense Department authorization bill—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 read the cloture motion.

The assistant 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 S. 3001, the National Defense Authorization Act for Fiscal Year 2009.
>
> Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, Harry Reid.

Mr. REID. Madam President, I ask that the mandatory quorum be waived.

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

Mr. REID. Madam President, I appreciate my friend from Iowa allowing me to do this. He has been waiting for some time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX EXTENDERS

Mr. GRASSLEY. Madam President, at 2:42 today on the Senate floor, the Senate majority leader made an incorrect statement. In discussing the negotiations last night between the chairman of the Senate Finance Committee and this Senator, the Senate majority leader, who was not present at the meeting, stated: ''The only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for.''

I will make a statement of why this statement is wrong. Specifically, I made three proposals to Chairman BAUCUS. In all three of the proposals, we agreed to use three tax offsets suggested by Chairman BAUCUS and his staff.

The first offset I agreed to accept is the offset that closes the loophole that allows hedge fund managers to defer compensation in tax haven jurisdictions. However, I mentioned we needed to remove the huge charitable loophole that is contained in both the Democratic House and Senate extenders bill. Closing this charitable loophole will raise about $1 billion in extra revenue from hedge fund managers, according to the nonpartisan Joint Committee on Taxation.

Let me make clear why that is a very important adjustment. If you, the average taxpayer, want to give the maximum the law allows for a charitable deduction, you can only allow 50 percent of your income to be used for that purpose. But if you are under this provision, if you are a hedge fund manager making contributions to a charity, you can have 100 percent deduction. We think that is unfair to the middle-income taxpayer.

The second offset I reluctantly agreed to accept was a version of the worldwide interest allocation offset. We are still waiting on the revenue estimate for this proposal. This was a compromise on my part. That is what it will take from the other side, as well, to get an extenders bill done—some sort of compromise.

The third offset I agreed to accept is a permanent offset regarding basis reporting of securities brokers.

These three offsets that I agreed to accept could—depending on the revised worldwide interest allocation proposal—raise over $50 billion in revenues as offsets.

As I mentioned above, I made three proposals to chairman BAUCUS. I also offered to use all three offsets mentioned above for each of the three separate proposals that I made; therefore, paying for much of the revenue loss generated by the tax extender provisions.

In two out of my last three proposals, I proposed using those three offsets to offset much of the revenue loss that results from extending these tax extender provisions.

So for the majority leader to say that ''the only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for'' is simply not accurate. And it is plain wrong. The majority leader was not in the room, and he must have received a false report from someone who actually was in the room. Chairman BAUCUS was in the room. So he knows the majority leader's statement that the only thing Senator GRASSLEY wanted to discuss was having all of these extenders not paid for is untrue. I ask everybody to ask Chairman BAUCUS.

To demonstrate in detail that the majority leader's statement is incorrect, Chairman BAUCUS and I discussed a number of issues other than offsets in the media. One of these issues was my disaster tax relief package that is needed for the people of Iowa and the Midwest because of the gigantic 500-year floods.

Three other issues we discussed were the three tax offsets I described above. Some other issues that were discussed were provisions in the Democratic leadership's extenders bill that we objected to, such as the provision regarding the train from Manhattan to JFK Airport that accounts for more than 20 percent of the revenue loss in the Democratic leader's disaster tax package.

In addition, I offered to make all three of my proposals revenue neutral by suggesting that we use the three offsets mentioned above and also decrease the amount of new increases in spending that were approved in the budget only 2 months ago.

Let me be clear, we did not suggest any spending cuts. We suggested our colleagues on the other side of the aisle consider decreasing the amount of new unspecified nondefense discretionary spending. The nondefense discretionary spending that has been authorized in the budget is $350 billion greater than the President's fiscal year 2009 budget. This extra $350 billion is like an extra checkbook that Congress is carrying around in addition to the already fat checkbook. This checkbook covers nondiscretionary spending and current levels of discretionary spending. We simply ask they take a few checks out of the extra checkbook over the next 10 years to help pay for part of the needed tax relief provisions in the tax extenders package.

However, this suggestion was summarily dismissed by Chairman BAUCUS. My colleagues on the other side of the aisle are unwilling to even consider decreasing their increased—and I emphasize ''their increased''—nondefense discretionary spending that is above the President's budget.

In summary, the majority leader's statement at 2:42 this afternoon about my position on our negotiations is flat out wrong, and I cannot be any clearer than that.

Folks across the country must wonder why the Senate cannot pass the popular expiring tax relief provisions. There is no disagreement between the parties on the merits alone. Nearly all Members of this body and the other body support the alternative minimum tax fix and also the other parts we refer to as extenders; in other words, tax provisions that have sunsetted. And, of course, because of the good of these provisions, anybody who opposes it would be crazy.

The problem is the committee and floor process have been disregarded by the Senate Democratic leadership. Debate, exchanges of ideas, up-or-down votes are the essence of how the Senate works. All of that Senate process is now bottled up. The Senate process is quite truncated.

For the first time in this decade—that is, since 2001—the Finance Committee members have not been allowed to exercise their rights in the committee markup with respect to these issues, with one exception—the 2002 stimulus bill.

For the first time in this decade, Senate Members have not had the opportunity to debate and amend extenders in a real Senate floor process. For the first time in this decade, Senators in the minority are being presented with a top-down deal crafted between the Democratic leadership of the House and Senate.

For me, the irony of all of this is very compelling because I found myself within the last 2 years, when Republicans were in the majority, condemning Republicans for trying to get around letting the Senate work its will. Almost 2 years ago today, we faced an attempt to end run the natural order of the committee and floor process by the bicameral Republican leadership of the House and Senate; meaning when we were in the majority. I referred to it at that time as wrongheaded. If it was wrongheaded when we had a Republican majority and the Democratic majority is doing it, it is just as wrongheaded, as far as I am concerned, because 2 years ago it was doomed to fail.

I don't know how many times I told the Republican leadership: It ain't going to work. And right now we are faced with it when we have a new majority and that new majority is Democratic. Two years ago, it was envisioned as some sort of unicameral, not a bipartisan, bicameral tax-writing committee process. The unicameral tax-writing committee process 2 years ago ignored the rights and the privileges of both political parties. I used sharp words and directed them at my side's leadership of the House and Senate.

I am sure some on my side thought my comments were over the top. I don't care. I didn't care then, at least. Then-Health, Education, Labor and Pensions Chairman ENZI stood shoulder to shoulder with me in this process. My friends on the Democratic side criticized my leadership for the harm it was doing to the rights of the Members of this body that is supposed to be the greatest deliberative body in the entire world of any parliamentary bodies.

That is why I find today's actions bitterly ironic. I am sorry to say today we find the Democratic leadership attempting to do much the same thing. Like the failed trifecta jam then, today's jam will not work.

Let me make clear, when I refer to the ''trifecta jam then,'' I mean 2 years ago when Republican leaders thought they could stuff something down the throats of Democrats in this body. It failed then, and that sort of jam is not working when Democrats are in the leadership position.

It is part of a larger problem with the Senate because we are not going

through the regular order at the committee and floor levels. Issues are building up, tempers are flaring, and most importantly, nothing is getting done and the people are mad about it. The people back home are mad about it.

I reiterate what I said this morning. The fourth vote failed. That failed cloture vote had the effect of Kaopectate. It further constipated the Senate. This legislative body needs to function. Legislation needs to circulate through this body in the usual form. We need real debate and real amendments. We need a legislative laxative.

Another alternative to resolution is an informal bipartisan process. Either way, repeated cloture partisan jams do not lead to an agreement that can pass the House, the Senate, and be signed by the President. And don't forget about that because that is an important part of the process. I think the White House spoke out on some of the AMT and extender legislation we have been considering.

I have my pencil sharpened, a note pad out. I am ready to engage in our bipartisan process with my friend Chairman BAUCUS. I am hopeful the Democratic leadership will relieve the constipation on the tax extenders legislation. The Finance Committee and Senate need to function.

On behalf of Leader MCCONNELL, I am going to propound a unanimous consent request about which I already informed the other side. The agreement, if accepted by the majority, would set in motion a process that would lead to resolution of these expired provisions. If accepted by the majority, we would have real debate, real votes, and a resolution that matters.

Madam President, I ask unanimous consent that upon the conclusion of the energy speculation bill, the Senate proceed en bloc to the consideration of the Baucus extender bill, S. 3335, and a bill introduced by Senator GRASSLEY on the same subject of extenders; provided further, that there be 2 hours of debate equally divided in the usual form to run concurrently on both measures; and that following that time, the bills be read a third time, en bloc, and the Senate proceed to vote on passage of S. 3335, followed by a vote on passage of the Grassley bill. I further ask unanimous consent that if either bill does not receive 60 votes in the affirmative, the bill be returned to the calendar.

Mr. DURBIN. Madam President, reserving the right to object, what the Senator from Iowa proposes is that we pay for these tax extenders for energy by reducing domestic discretionary spending. To put that in layman's terms, for the last 4 years, we have frozen the increases of spending at the National Institutes of Health for medical research. Senator GRASSLEY would say, let's continue freezing those increases in spending for medical research so we don't have to impose taxes on American businesses doing business overseas. I disagree with that. It is far better that those businesses pay those taxes than we cut back on medical research. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to correct the Senator on a couple of respects, and he has exercised the right I expected. First, we accept the provisions that were in the Baucus bill for offsets. We did suggest a modification on the provision that the Senator said we don't want. He is wrong on that point. We will accept it. There is a slight modification in it that would give an election. We go along with that provision, and I think I made that clear in the remarks I proposed.

The second place the Senator from Illinois is wrong is we are not proposing the cutting of spending. We are proposing the $350 billion increase that their budget has suggested for additional spending be reduced by a very small percentage.

Mr. DURBIN. Madam President, if the Senator from Iowa will yield.

Mr. GRASSLEY. Yes.

Mr. DURBIN. Madam President, so any proposal to increase spending at the National Institutes of Health for medical research will be reduced by the proposal of the Senator from Iowa?

Mr. GRASSLEY. If my colleague wants to figure that all the $350 billion is going to go to the National Institutes of Health, he is right. But all $350 billion, obviously, is not going to go to the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

COST OF ENERGY

Mr. SANDERS. Madam President, I suspect if people are watching what is going on here, they do not have any clue or understanding of what is taking place because, in fact, it is fairly incomprehensible. It is pretty hard to understand why bill after bill dealing with issues of enormous consequence for millions of Americans is being filibustered by the Republicans, which means we have to get 60 votes to end the debate, votes which we obviously don't have. From the beginning of the session, there have been 91 filibusters, which is more than anyone has ever seen in the Senate.

The reason the Republicans are filibustering today is because they want to pass the so-called Gas Price Reduction Act. That is the title of their bill. But I would argue that the title of this bill is a complete misnomer. The so-called Gas Price Reduction Act will not lower gas prices today, which stand at about $4 a gallon.

All over this country, people are deeply upset about having to pay these outrageously high gas prices. They are worried about what oil prices will be in the winter. They understand the impact of these oil prices on food and other aspects of our economy. And the Republican legislation is entitled ''The Gas Price Reduction Act,'' but it is not going to reduce these gas prices which are so high today. That is not my view, that is President Bush's view. That is the view of everybody in the world. That is our Republican friends' view. They are saying, quite appropriately and correctly, that if you drill now, maybe in 10, 15, or 20 years, there will be some impact on prices. Well, maybe there will be and maybe there won't be, but there is no argument that in the midst of a crisis today, what they are proposing will have zero impact on our economy right now.

So whatever the merits or lack of merits—and I am not sympathetic to drilling in environmentally sensitive areas in the Outer Continental Shelf—what we should be clear about is that the Republican proposal will do zero to address the crisis of high energy prices today. And again, that is not just my view. President Bush's own Energy Department has said that increased drilling offshore would have ''no significant impact'' on gas prices until the year 2030, and even then its impact would be negligible. That is what President Bush's own Energy Department is saying.

So perhaps our Republican friends might want to change the title of their bill from ''The Gas Price Reduction Act'' to the ''No Significant Impact on Gas Prices; Maybe By 2030 Act.'' That would at least be a more accurate description of what they are trying to do. Maybe there will be some impact by the year 2030, but let's not fool the American people. The American people are angry, they are frustrated about what is going on today. And we could argue whether the Republican policy is good or not good, but let's not kid anybody, it is not going to have any impact on gas and oil prices now.

For those who think it is okay not to do anything or see any impact until 2030, I guess they could support what the Republicans are doing. But I know what is going on in Vermont; that is, workers can't afford $4 a gallon for gas when they are driving 50 miles to work and 50 miles back, and they surely can't afford the price of oil that is coming down the pike next winter. They do not want action in 20 years, they want action now. And in my view, Madam President, that is what we should be doing.

With the exception of my Republican friends here in Congress, there are very few people in this country who believe the oil companies give one hoot about the well-being of the American people. Our Republican friends are saying that if we just give these huge oil companies more acres offshore to drill for oil, they will certainly do the right thing, as they always have, for the American people. Let's just trust those big oil companies because they are really staying up day after day, night after night, worrying about the well-being of the American people. That is what their full-page ads in the New York Times and all their ads are telling us.

Well, it is good to see there are at least some people in America who believe that. I don't, but apparently my Republican colleagues do.

Let me just mention to you, Madam President, just how much concern the oil companies have for the American consumer. While the American people have been paying $4 and more for a gallon of gas, ExxonMobil has made more profits than any operation in the history of the world over the past 2 consecutive years, making $40 billion last year alone. Oil prices are soaring, and ExxonMobil is making recordbreaking profits. But ExxonMobil, of course, is not alone. Chevron, ConocoPhillips, Shell and B.P. have also been making out like bandits. In fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been President. Yes, they are deeply concerned about the high price of gas and oil. Yes, they really are. It is really upsetting to them. Last year, the major oil companies in the United States made over $155 billion in profits—in just 1 year.

Let me tell you, Madam President, big oil companies are so concerned about Americans paying high prices for gas and oil that this is what they are doing with their profits. You see, our Republican friends would suggest that what the oil companies are trying to do is explore new areas, do new drilling, produce more oil, and lower prices. Well, I don't think so, frankly. I will tell you what they are doing with their huge profits.

In 2005, ExxonMobil gave its CEO, Lee Raymond, a $398 million retirement package—among the richest compensation packages in corporate history. They weren't going out looking for new land to drill on, they weren't building more refineries, and they weren't working on energy efficiency. They gave their CEO a $398 million retirement package.

In 2006, another one of those oil companies that is staying up nights worrying about the American people, Occidental Petroleum, gave its CEO, Ray Irani, over $400 million in total compensation—again, beyond comprehension to ordinary people.

In fact, there were articles recently in the press suggesting that one of the major problems ExxonMobil had is that they had so much cash in hand, they literally did not know how to invest it or how to get rid of it. That was their major problem.

The situation is so absurd and the greed of the oil companies is so outrageous that these companies are not only giving their executives huge compensation packages in their lifetimes, but they have also created a situation, if you can believe it, where these oil companies have carved out huge corporate payments to the heirs of senior executives if they die in office. I guess this is what happens when you have more money than you know what to do with.

In other words, if, according to the Wall Street Journal, the CEO of Occidental Petroleum dies in office, his family will get $115 million. The family of the CEO of Nabors Industries, another oil company, would receive $288 million. So it is not only giving out huge compensation packages; if the CEO dies in office, the family gets a huge package. Madam President, this would be funny if it were not so pathetic in the sense of the impact this type of spending has on the American people.

Not only are huge oil companies using their recordbreaking profits on big compensation benefits for their CEOs, but they are also spending large sums of money buying back their own stock. In other words, when they are making these very large profits, they are not going out drilling for more oil, as our Republican friends are suggesting. Overall, since 2005—3 years ago—the five largest oil companies have made $345 billion in profit and spent over $250 billion of that $345 billion buying back stock and paying larger dividends to their stockholders. That is what they are doing with their money. They are not going out and saying: Gee, how can we do more drilling? Gee, how can we lower the price of oil? They are buying up stock and increasing the benefits to their shareholders.

Last year, ExxonMobil, the largest oil company in our country, spent 850 percent more buying back its own stock than it did on capital expenditures in the United States. And that is a fact.

Let's not kid ourselves. The big oil companies—and I know we are not supposed to talk about this too much in the Senate, but anyone who doesn't believe these oil companies have huge political influence over what goes on here in Washington is surely kidding themselves. Since 1998, the oil and gas industry has spent over $616 million on lobbying. In a 10-year period, they have spent over $616 million in lobbying. Now, what does that mean? It means they hire the best law firms in town, they hire former leading Republicans and Democrats—anybody can come in and work with Members of Congress—to get their way. That is one of the reasons why, among many other reasons, this Congress, in recent years, has decided to give some $18 billion in tax breaks to oil companies despite their recordbreaking profits. Over $616 million in the last 10 years on lobbying, and since 1990 they have made over $213 million in campaign contributions. And that is a simple fact.

Lo and behold, what we are hearing today—just coincidentally, no doubt—is that the most important thing we can do in terms of the energy crisis is to provide more land offshore for the oil companies to drill at a time when they already have some 68 million acres of leased land, which they are not drilling on today.

The American people want action, and there are some things we can do—not in 15 or 20 years but that we can do right now. Not only do we need to impose, in my view, a windfall profits tax on these extremely powerful oil corporations, but we have to address what I perceive is a growing understanding that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, JPMorgan Chase, and hedge fund managers are driving up the price of oil in the unregulated energy futures market. In other words, they are speculating on energy futures and driving up prices.

There are estimates that 25 to 50 percent of the cost of a barrel of oil is attributable to unregulated speculation on oil futures. I know the Presiding Officer's committee has had hearings on this issue and other committees have had hearings on this issue. We have heard from some leading energy economists, and we have heard from people in the oil industry themselves who tell us that 25 to 50 percent of the cost of a barrel of oil today is not due to supply and demand or the cost of production but is due to manipulation of markets and excessive speculation. In essence, Wall Street firms are making billions as they artificially drive up oil prices by buying, holding, and selling huge amounts of oil on dark unregulated markets.

Some of my Republican friends claim that the increase in the price of oil has nothing to do with speculation, but it is interesting to me that we have had executives of major oil companies—major oil companies—who have come before Congress and who are saying, ''Why is oil $125, $130, and $140 a barrel?'' Do you know what they say? The CEO of Royal Dutch Shell testified before Congress and said:

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

This is not some radical economist. It is not some leftwinger. This is a guy who is the head of Royal Dutch Shell.

The CEO of Marathon Oil recently said:

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

I know my Republican friends have a lot of respect for the oil industry, a great competence in them. They love them and give them huge tax breaks. So maybe they should listen to what some of these guys are saying in terms of oil speculation.

Some people have suggested or implied that those of us—including people in the oil industry—who believe speculation is driving up prices are into some kind of conspiracy theory, that we just want to demonize Wall Street or big investment banks such as Goldman Sachs and Morgan Stanley. Well, I would like to briefly read an excerpt from a research paper done by Goldman Sachs US Economic Research dated June 2, 2008. This is what they say, and I find this interesting:

> Lawmakers and regulators have begun to respond to these concerns—

Concerns about high oil prices—

but we still think it is unlikely that there will be any significant legislative changes enacted this year. In fact, it is entirely possible that Congress will adjourn for the year without enacting any further legislation focused on commodity speculation.

And then this is the interesting thing they say:

However, the debate itself could break the rise in energy prices for a brief period until there is greater certainty regarding the legislative and regulatory outcome.

In other words, what Goldman Sachs is saying is that even the debate on speculation in the oil industry could have an impact on slowing down oil prices, and it may well be that is the case. We have seen that in the last 2 weeks or so.

Let's talk a little bit about recent history and speculation and market manipulation in terms of the energy market.

In 2000 and 2001, our friends at Enron successfully manipulated the electricity market, and the results, of course, were that in California and on the west coast electric rates went up by 300 percent. It is interesting to remember—and I remember this—what Enron was saying at that time. They were saying don't blame us, it is a supply and demand issue.

I gather those Enron officials, who may be in jail today, are perhaps still saying that, but we know a little bit differently.

We also know that BP artificially increased prices on the propane gas market. They were fined for that over $300 million. We also know Amaranth, a hedge fund, manipulated prices on the natural gas market. In fact, in 2006, Amaranth cornered the natural gas market by controlling 75 percent of all the natural gas futures contracts in a single month.

In other words, the idea of manipulation and speculation and control of a market is not a new idea. We have seen three instances in the last 8 years, with Enron, BP, and Amaranth doing just that.

Given that reality, why would we think it is so shocking that is taking place right now in terms of oil?

Let me conclude by saying it is imperative that we move now in terms of addressing the energy crisis. People all over this country are hurting. They want us to act, and we must act. To my mind, one of the things we have to do is to move this country aggressively forward in terms of energy efficiency and in terms of sustainable energy.

Our Republican friends talk about wanting to grow more energy, increase energy supplies. Let me inform them the Sun does that, the wind does that, geothermal does that, biomass does that. It is incomprehensible to me that time after time legislation has come before this body—including today—which will simply extend the tax credits that have been given for sustainable energy, and we cannot even do that.

There are huge economic gains, not to mention moving forward in terms of global warming and reducing greenhouse gas emissions if we do that. Yet we cannot even get the votes to do that.

We can move forward in terms of a windfall profits tax. We can move forward in speculation. We can move forward in terms of energy efficiency. We can move forward in terms of encouraging the growth of sustainable energy. Those are the things that we can do now. I believe those are the things the American people want us to do.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I would like to speak tonight on the issue of energy as well. We are very fortunate that the Senate is debating the issue of energy. It is the No. 1 issue to the people of this country. Frankly, I find myself very concerned about where this debate is going.

In early July, I asked my fellow Idahoans to contact me and tell me what the high prices of fuel mean in their lives. In fact, I asked them not only to tell me what it meant in their lives but what they thought we ought to do in this country—Congress as well as the rest of the country—what we ought to do about these high prices of fuel.

The stories that came in were remarkable. Overnight I had 400 to 600 e-mails, and we now have over 1,200 e-mails in our office from citizens of the State of Idaho who are feeling the impact of these high prices. It is not just a minor inconvenience in their lives. The stories they tell are poignant. They are disturbing.

One lady wrote in that at the end of the month she and her husband just had enough money left in their budget to either fill their gas tank or to buy their food. They made a choice to fill their gas tank because they had to have the fuel to get to work and keep their jobs. In her response she said she didn't know exactly how they were going to deal with the issue of food.

Others talked about the fact that they were not able to pay for needed medicines. The pressure of fuel versus food versus medicine gets down to the basics in our society. This is not a question of whether to call off a long-planned vacation. It is not a question of whether we have to adjust to some minor inconveniences. We have already done that in our society. This is an issue of changing the quality of life in America that will probably not be able to be fixed or reclaimed if we do not respond to it properly now.

As I said, I also asked my constituents to tell me what they thought we ought to do. The responses were remarkable. I think the people of Idaho have a tremendous amount of common sense. I brag on them all the time. They have come through with all kinds of suggestions about how we ought to deal with this problem, everything from the need to conserve more, to the need to use wind and solar and other renewable and alternative fuels, to the need to get more production of oil. They get it. They understand the solution to this problem is not just one thing.

Another remarkable thing came across in their responses to me. They are angry. They are angry that Congress is not dealing with the issue because they blame Congress that we are in this problem. I said before, sometimes it is kind of a national pastime to blame Congress for whatever the problem of the day is, but in this case my constituents in Idaho and the rest of the public in this country are right. It is the responsibility of Congress to have established a rational, comprehensive, national energy policy for this country that can help us to be independent and strong in terms of our energy. Congress has failed to do so.

America now needs to move forward. America is too dependent on petroleum as our major source of energy. For that petroleum, we are too dependent on foreign sources. America needs to treat our energy policy like we would treat an investment portfolio. We need to diversify. We need to be as conservative and as careful in the utilization of our energy as possible. We need to be as efficient as we possibly can in terms of the utilization of that energy. And we need to have broad and diverse resources of energy.

At the same time that we are doing that and diversifying—and I hope we could diversify, we here in this Congress, help to establish a broad diversified energy policy—while we are doing that we can't simply say that petroleum is evil and we will no longer ever try to utilize production of oil in this country. It will take us a significant amount of time to transition to an economy that is less dependent and less held hostage to petroleum. While we are doing that, frankly, we need to recognize that we need more production of oil in the United States.

So where are we today in the Senate? We have before us a bill that does one thing: it addresses the futures market, the speculation that the Senator from Vermont, who spoke before me, just talked about. It does nothing else. It seeks to find a solution to our national energy problems in one way; that is, to establish a very aggressive new regulatory regime for the futures market in our country. It does not do so in a very good way. I will talk about that in a few minutes. In fact, it does so in a way that will actually harm our economy and harm our energy security.

The point is, it does only one thing. As it seeks to solve the problem, it tells the American people that we have a rifleshot solution, that we can simply pass this law and we will then fix the problems with energy prices because we will force those markets to have better prices. The solution? A new Government system of regulation that will, hopefully, control prices. Like I say, it is not going to do that, and I will talk about that in a minute.

We are trying to debate this issue and bring other issues forward, and we have been stopped so far. The process in the Senate is not working. Historically, the Senate has been a place of great debate where those with ideas about how to solve pressing problems in our country can bring them forward and those who have different and competing ideas can bring their ideas forward as amendments. And, as we move forward, we would have votes on the floor of the Senate where the majority could prevail and we could craft legislation and craft policy for this Nation in the way that those who established this great country—and those who live in this great country—thought it should be done.

But that is not how it is being done on this bill. We are being presented with a bill that we have now been on for, I think, 8 days. Yet we have had zero votes on any alternative ideas because the majority will not allow amendments to be brought forward in a fair and reasonable way.

This chart shows what was done in previous debates in the Senate on the energy issue. When the Energy Policy Act of 2005 was considered, we spent 10 days on the Senate floor. We had 19 rollcall votes on amendments, 23 total rollcall votes on the bill, there were 235 amendments that were proposed to that bill, and 57 of those amendments were agreed to either by vote or by unanimous consent. At that time the average price of gas was just $2.26.

In 2007 when we debated the Energy Independence and Security Act, we spent 15 days on the Senate floor, 16 rollcall votes on amendments, and 22 rollcall votes on the bill. There were 331 total amendments proposed during debate on that bill, 49 total amendments agreed to in that debate, and the Senate acted its will.

Again, what are we doing today? For 8 days we have been trying to bring amendments forward to present some alternative ideas, additional ideas about how we should deal with energy policy in our country, and we are told no. We are told: We may allow you to have a few votes on a few selected amendments that we pick, but we will not allow a full, robust debate on amendments.

We must get beyond the parameters of this bill. It has been argued that the speculation in the futures market is controlling or is driving up the price of fuel. The fact is, that is simply not the case. The problem is one of supply and demand.

This chart shows what has happened to the supply of energy, of global crude from 2000 to 2008. You can see, starting in about 2004, primarily through decisions in the OPEC nations, the supply of crude oil has leveled out. Because of a decision to curtail supply, those nations that are engaging in producing the global crude are able to impact the supply and demand curves. Yet demand at that same time has not leveled out. China and India in particular are increasing their demand for fuel dramatically.

The problem we face is, as the supply curve levels out and as the demand continues to grow, we see unbelievable pressures on the price of fuel. There are those who will say that is not really the way it is and really speculators in the market are driving up the price. It is possible to impact a market in a way that is abusive, and we have organizations that help us on that. But let's look what has happened so far in the speculation, the futures market, trading in NYMEX in the United States.

In the speculation in the derivative markets, in the futures market, every buy must be mirrored by a sell. The theory there has been this immense new pressure for speculation in the futures market creates the impression that there have been all of these purchases that have driven up the price. But as you see from this chart, every time there was someone who thought the price was going to go up, there was someone who had to believe the price was not, who had to be the buyer or seller in that transaction.

When you have the long sells and the short sells virtually mirroring each other, it indicates there is a reasonably effective functioning market.

It has been said on the floor of the Senate that the experts say that speculation is driving up the price of fuel by 20 to 50 percent.

The reality is the vast majority of experts are saying that simply is not the case; that we can evaluate what is happening in the futures markets and determine whether there is being manipulation.

And what is the determination that is being made? A recent report by our Government agencies, including the Commodity Futures Trading Commission, the Federal Reserve, the Treasury Department, and Energy Department, found that speculative trades in oil contracts had little to no effect on the rising prices over the last 5 years.

The Interagency Task Force on Commodity Markets' preliminary assessment is that current oil prices and the increase in oil prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

During the same time period, activity on the crude oils futures market, as measured by the number of contracts outstanding, the trading activity and the number of traders, has increased significantly. The amount of trading in these markets has increased significantly. But while these increases broadly coincided with the runup in crude prices, the task force's analysis is that to this date there is no support for the proposition that speculative activity has systematically driven changes in those oil prices.

In fact, according to the report, if a group of market participants had systematically driven up prices, detailed daily position data should show the group's position changes preceded the price changes. But the task force data indicates the changes in futures markets participation by speculators have not preceded the price changes. In fact, on the contrary, most speculation traders typically alter their position following a price change, suggesting that they are responding to the supply and demand dynamics, just as one would see in an efficiently operating market.

Furthermore, the President's Working Group on Financial Markets has also weighed in on this debate. They state:

> To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, the prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of energy markets.

Other experts are saying the same thing. In fact, the amount of experts who are weighing in on this today from all perspectives is overwhelming, to the point that there are very few now who are continuing this mantra that somehow we can solve all of our problems by controlling the futures markets better.

The International Energy Agency states:

> There is little evidence that large investment flows into the futures markets are causing an imbalance between supply and demand.

They go on to state, and this is something I think Americans need to hear:

> Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply-side access and investment or to implement measures to improve energy efficiency.

Others are respected in market analysis. Warren Buffett recently said:

> It is not speculation, it is supply and demand. We do not have an excess capacity of oil in the world any more, and that is what you are seeing in oil prices.

Frankly, one of the more critical aspects of this is that investors in these markets actually provide liquidity to our oil industry. Investors play a very valuable role in the futures market by transferring risks from commercial participants such as farmers and airlines, and providing liquidity, reducing volatility, and contributing to the price discovery process.

One example is Southwest Airlines. Southwest Airlines provides a powerful example of how investors can help companies mitigate their risk. It is called hedging, which is made possible by the participation of investors in trading oil futures. That has saved Southwest Airlines $3.5 billion since 1999.

How does this work? Let's take an example of an oil producer, somebody who wants to go out and invest some money in a new oil rig or a new refinery, to engage in some production of some further resources, energy resources for the United States, and they want to get a loan for $5 billion. There is probably no source in the world that would loan them $5 billion to go out and engage in this new investment unless they were able to hedge that loan, meaning they need to go into the futures market and sell the first 3 to 5 years of production of this facility so they can show the bank or the financing institution that is going to loan them the money that they have a source of capital or cash to repay the loan.

If they are not able to go into a market and make that hedge, they will not be able to get that loan. They will then not make the investment and we will not then see the production. And if there are not those who are willing to invest in that futures market, on the other side of the transaction, those who are called speculators, then we do not have the liquidity in the market for that loan to be adequately hedged.

It is very important for the risk management in our economy that we do not impact our futures markets in ways that will disturb the proper functioning of a true market.

Congress has enacted various tax incentives for renewable energy which also can be impacted negatively by harmful regulation of the futures market. In the same way as the example I gave with regard to those who might want to invest in an oil facility, if there cannot be adequate hedging of investments in wind and solar and other facilities such as that for which we have enacted tax incentives to try to move into renewable energy, then those investments as well without a futures market will not be able to flourish as they should.

These kind of impacts, these kind of dynamics that could occur in our economy from improper regulation of the market are real. Again, some say: Well, you know, the oil companies or someone has been out there, speculators have been manipulating the futures market.

Commodity prices have shot up not just in oil but across the board. This chart shows a number of commodities, from wheat to corn, to steel, to iron ore, nickel, zinc, copper, platinum, all the way along, including oil. This is the line for the WTI oil, that is the futures market in oil right here.

As you will see, there are many commodities that have risen in price over the past few years, from 2006 to 2008, even more so than oil. The point there is, some of these commodities are regulated or traded on futures markets and some are not. The same dynamics of supply and demand are hitting us in other commodities as they are in oil.

According to Robert Samuelson, an economist and Washington Post columnist, the price of corn has increased 70 percent from 2002 to 2007; copper has increased 300 percent during the same time; steel, 117 percent. And interestingly, steel is one of those that is not traded in the commodities market. Neither is iron ore, the cost of which has recently increased by 85 percent in Chinese markets.

The point here is that supply and demand, not investors, is what is driving up the prices in commodities. How else can you explain the fact that raw materials that are not traded on commodity exchanges are increasing at the same rapid pace?

Let's look specifically at the crude oil issue in the next chart. Those who say it is the futures market which is driving up the price of oil would tell you this market right here, the one in red, for West Texas Intermediate, where the futures in oil are traded, is where some not normal increases are being forced, where market speculation is manipulating the price.

Yet if we look at other physical crude oil grades, the West Texas Sour, Light Louisiana Sweet, the Mars, the Dated Brent, and the Dubai, they have all gone up actually higher than the West Texas Intermediate.

Now, I know this is getting down into the weeds a little bit, but the point here is, every one of those other types of oil is a physical crude oil that is not traded in futures markets. There are no speculators driving up these prices or causing these prices to occur. These prices are occurring at the spot where those who produce the oil are selling it to those who use the oil.

One more indication that in market after market after market, not just the futures market, but in every market, the price of oil is going up. And again the reason is because supply and demand is out of balance.

Let me give you another example. Onions. In 1958 Congress had a similar issue to the one we have today. They responded to a sharp increase in onion prices by passing legislation to ban all futures trading in onions. And that law, by the way, is still law today.

But there has been no stabilizing effect on the price of onions. In fact, the price of onions soared 400 percent in late 2006 and 2007, only to drop by 96 percent thereafter, and then increase another 300 percent a month later.

The point is that wide volatile swings in price occur in an unregulated market or in a market where there is not a futures system where speculators can invest and provide more stability. The onion market is a perfect example. Many of the experts who are now weighing in on the oil issue are stating that if we take the opportunity for speculation in the futures markets out of the equation, then we can expect to see wider fluctuations in the price of oil.

Now, is that to say there is nothing we should do in the Senate with regard to futures markets or that there can never be any manipulation or there is no reason to pay attention to this issue? No. It is possible. It is not easy, but it is possible for very concerted efforts to be undertaken to manipulate markets.

That is why we have groups such as the Commodity Futures Trading Commission that are basically our cops on the beat to make sure they pay attention to what is happening in these markets and stop efforts to manipulate before they occur.

So what should we do? What should we be doing in the context of this piece of the equation with regard to our securities, our futures markets? We need to be strengthening the CFTC. The CFTC has not had a significant staffing increase level since—well, let's put it this way. Their staffing levels at the CFTC are at a 33-year low.

In one of the amendments we wish to bring forward, we would provide the resources for the CFTC to hire 100 new employees, enough staff so they can even more aggressively and effectively monitor what is happening in these markets, and make sure there is no effort to cause a manipulation in any significant way.

In addition, before this Senate, as we speak, we have nominations for three members of the Commodities Futures Trading Commission who still languish on our docket: Walt Lukken, Bart Chilton, and Scott O'Malia. They should have been confirmed by this Senate to the CFTC months and months ago, but they languish because of partisan politics. They need to be moved forward promptly. If we are serious about wanting to oversee these futures markets effectively, then we need to put those in place who are tasked to do so, and to make sure they have the staff to be able to do so effectively.

The CFTC has undertaken a number of steps recently to improve the oversight and transparency of energy futures markets, and we need to give them the resources to get the job done well.

The underlying legislation is based on the premise that we can simply reach our hand in, as the heavy hand of Government and change the price of oil. The reality is the opposite.

I said earlier we need a broad-based approach. Yes, let us strengthen the CFTC, but let's open the floor of this Senate, and let's allow the Senate to debate other ideas. What are some of the other ideas we need to be pursuing?

For one, we need an aggressive perspective on energy efficiency and conservation. With energy and gas prices spiraling upward, America can no longer consume energy as we have in the past. In fact, energy efficiency is often called the fifth fuel because every gallon of gas not consumed and every kilowatt hour not utilized is the equivalent of one produced. The numbers are stark. If you look at the amount we have saved since 1973 through efficiency and energy conservation efforts, it is the greatest source of energy we have. It outstrips petroleum, coal, natural gas, nuclear power, and all others.

We still have tremendous potential for strides forward. The estimates we have before us are that the United States can cost-effectively reduce energy consumption by an additional 25 to 30 percent or more over the course of the next 20 to 25 years. That is a significant fact. That should be a significant part of our national energy policy. The kinds of things we need to do there are the kinds of things we need to be debating and voting on and incentivizing in the Senate.

The Alliance to Save Energy estimates that if the proper energy efficiency measures across the industrial, residential generation and transportation sectors were put into place, we could save $312 billion a year. The savings in the residential sector alone total $145 billion a year or $500 for every citizen over a 10-year period. An example: The new fluorescent light bulbs use one-fifth the electricity of a conventional light bulb and can save $50 apiece over the lifespan of just one light bulb. Other ways include greater appliance efficiency standards, smart grid technologies, as well as weatherization. Research and technology are key to this. In fact, one of the things we can do in our transportation sector to reduce our reliance on petroleum is to move to low-energy vehicles. Battery research is well underway, and we could move to plug-in hybrids or hydrogen fuel cell vehicles relatively soon, if this Congress would get engaged and incentivize and strengthen our commitment to that technology effort.

We already have implemented new CAFE standards, which was a proper and positive step forward. My point is this: One of the first things we need to do in our rational comprehensive energy policy is to engage in conservation and efficiencies. It is our fifth source of fuel and one of our most significant potential sources.

We also need to move into renewable and alternative energy sources. We have listed a sampling of them here: Hydropower, nuclear, biomass, solar, wind, geothermal, and tidal. Some of them are not at the stage where they can economically survive without support or incentives. Frankly, as a government, we need to be working in every one of those areas to do the research, the technology, and to provide incentive support for us to move aggressively into those areas.

Let me give a couple examples of what we could do. Nuclear power is the only reliable base load generation that emits no carbon or other air pollutants. To supply our growing electrical generation needs, the EIA estimates at least 60 new nuclear plants are needed in the next 25 years to supplant new fossil-fuel generation. But no new plant has been built in the last 30 years. The main reason for this is the facilities are expensive to site and to build. They require enormous amounts of capital for design and construction before any profits can be realized, and our current regulatory process challenges this whole system and extends just the permitting process so long that it makes it hard financially to make it pan out. Congress could fix that. We need to be as aggressive as we possibly can to incentivize, strengthen, and expand our nuclear energy industry.

Geothermal: An MIT study concluded it would be affordable to generate over 100 gigawatts of geothermal electricity by 2050 in the United States alone for an investment of $1 billion in research and development over 15 years. To give perspective, that would replace 100 coal plants.

Wind: Idaho is ranked 13th in the Nation for wind energy, and global wind power currently stands at 94 gigawatts per year. China has a plan to equal that itself by the year 2020.

Biofuels and ethanol: I support this diverse energy portfolio, and biomass and biofuels, conventional and cellulosic ethanol, as well as biodiesel, are one part of the solution. As concerns about the rising price of corn mount, the need for commercial cellulosic ethanol production becomes more apparent. It is estimated that 1.3 billion dry tons of biomass can be harvested annually from U.S. forests and agricultural land without negatively impacting food, feed or export demands. What that translates into is enough ethanol to replace 30 percent of the current U.S. petroleum consumption.

Hydropower produces 7 percent of the U.S. electricity supply and almost 70 percent in my part of the world. It also accounts for 80 percent of the Nation's total renewable electricity generation, making it the Nation's leading renewable energy source. Hydropower turbines are capable of converting 90 percent of the available energy into electricity, which makes them more efficient than any other form of generation.

The point is the United States can make great gains to, No. 1, become less dependent on petroleum and, No. 2, to generate much more energy supply, if we will get aggressive about focusing on renewable and alternative energy sources. I have gone through a few in this sampling.

Having said all that, that we can do what we need to, to effectively monitor and control and manage our futures markets, that we need to focus on renewable and alternative energy sources, that we need to have an aggressive efficiency and conservation effort, does that mean we can simply ignore the price of oil? The answer is no. Let's go to the next chart. Even if we were to agree today and the President were to sign into law all these new incentives and the many things we could be doing in terms of conservation, renewable and alternative fuels and the like, it still would take several decades to transition away from being a purely almost totally petroleum-based economy. During that transition time, we still need oil. Oil is going to be key to our energy future now and for years in the future. While we transition away, we have to recognize that. But today, based on Energy Information Administration estimates, the United States is expected to spend $570 billion on imported foreign oil in 2008.

If you have been watching the T. Boone Pickens ads and the information that comes on those, the estimates are even higher, as high as $700 billion. That is $500 to $700 billion that flows right out of the U.S. economy to other nations. What does a transfer of that kind of wealth mean? Every year that we send $500 to $700 billion outside the United States for other countries to produce oil and sell it to us, we erode our national security through loss of physical control over our own resources. We certainly lose jobs. Imagine the number of jobs we could have in the United States if we were engaged in production of our own oil. We increase foreign holdings of U.S. dollars that are out of our control. We have increased foreign holdings of American debt. We have a loss of domestic investment in huge amounts. Overall, we have a weakened U.S. dollar. We are sending our wealth overseas because we are too dependent on foreign sources of petroleum.

Do we have the opportunity to change that? Can we do any different? Or are we in a situation where the United States does not have access to oil resources? The world is using more oil, but U.S. production has fallen to its lowest levels in 60 years. The IEA projects that global oil consumption is going to grow by 37 percent in 2030; whereas, annual oil production will need to be 13.5 billion barrels higher today to meet that increase in demand. What kind of potential do we have in the United States? Let's go to the next chart.

There are a number of things we can do. The United States must be recognized as one of the strongest and most energy-rich nations, when you think about oil in the world. There has been a lot of debate about the Outer Continental Shelf. The projected OCS resources would equal almost 50 years of imports from OPEC. Think about that. Let's go to the next chart. Our OCS is estimated to have over 100 billion barrels of oil. We yearly import a little over 2 billion from OPEC nations. Simply turning to the Outer Continental Shelf instead of sending all the money we now send to OPEC nations, we could generate that oil ourselves simply on the OCS in the United States.

We have Western shale oil resources. These are phenomenal. Proven American oil shale resources could provide our country with 800 billion barrels of oil, which is more than three times the reserves of Saudi Arabia. This chart shows some very interesting information. Over here is the world's proven oil reserves. I think that is 1.7 trillion barrels of oil. This is the Saudi Arabia proven portion of that. This is the U.S. proven oil shale reserve. Remember oil shale is not considered to be the same

as oil. So if we were to take the oil shale and then produce it into oil, what could we start doing in comparison to the oil available in the world? This is what we know we have: U.S. proven oil shale reserves, 800 billion barrels. But there are estimates that the 800 billion barrels is low and that we actually have up to 2 trillion barrels of oil available in our oil shale reserves. Yet we send dollars overseas to get our oil.

So we have the OCS and the oil shale reserves. We have the Arctic National Wildlife Refuge, and we have debated this in the Senate and House for years. But projected resources in ANWR would equal over 17 years of our imports from OPEC. Again, another major source of oil that the United States can access.

The reason I am going through this is to show that the United States does not have to be dependent on foreign nations for our oil. We have other resources. The U.S. onshore resources—and that is not the Outer Continental Shelf but what we have right here onshore—are shown here at basically 35.5 billion barrels of oil. The yellow part NWR; the red is all the rest. Again, the comparison there is to OPEC. Yet the United States has allowed itself to become so dependent on OPEC that we transport $570 billion a year to other nations. They are not all OPEC nations, but the vast majority of it goes to OPEC nations.

Another source is coal to liquids. The United States has 496 billion tons of demonstrated coal reserves, which is equivalent to almost 1 trillion barrels of oil, over 30 percent larger than the known Middle East reserves of crude oil. In fact, the United States is often called the Saudi Arabia of coal. But that may actually be an understatement, according to the American Coal Foundation, because domestic coal reserves contain more energy than that of all the world's oil reserves combined. Again, the United States has a phenomenal resource here that we are not taking advantage of.

These are groups that are starting to now come forward—and this is, again, a sampling of the list—coming forward and saying the United States must get engaged in its own oil production.

I know my time is running out, but the response that has been made to this is that: Well, we can't get this oil for another 10 years. In fact, some say we can't get it for another 20 years. Well, depending on the source or the specific location, whether it is the Outer Continental Shelf or the onshore sources or the oil shale, it will take 5, 10, to 15 years to bring this resource into production. My first answer to those who say: Well, this will take 10 years to get on line is that is what you said 10 years ago. In fact, it was what was said 15 years ago; it was what was said 20 years ago. We need to make the step now to begin making the United States less dependent on foreign sources of oil.

It is also said we have 68 million acres of lease land that is not being produced right now. Well, let's take another look at what that means. That assumes somebody is basically hoarding acreage on leased land. The success rates for new onshore and offshore oil leases are not 100 percent; in other words, not every lease the United States issues results in oil being produced commercially. The reason is there is not oil underneath all the land. The companies that have to make the investment to go out and explore for it and then ultimately produce it don't know for sure whether there is oil under there when they purchase the lease. So it takes about 10 years of time from the purchase of the lease to go through the exploration process, and then if there is oil found, the permitting process, and then they move forward.

Most of the obvious places have already been leased out. The new leases are generating onshore about 10 percent success; offshore, 20 percent; and then in the shallow offshore, 33 percent success. The point being it is far too easy to simply say: Well, we have 68 million acres of leases out there; let's rely on those. Those leases are all in the process of either being explored or being returned because they are not being produced.

Let's look at the next chart. This chart shows what the status of these nonproducing leases is. For those who say let's go out and get the 68 million acres of leases and use them, right now, 50 percent of them are in the data-gathering process and they will either be produced or returned, depending on whether there is oil there that can be commercially found, but they are in the process of being pursued. Twenty-five percent they have found oil on and they are drilling or they are preparing for drilling. In another 10 percent, they have confirmed discovery and they are under construction. In 15 percent, the initial analysis is complete, and there is low commercial potential and they are likely to be returned to the Federal Government. That is the status of the ones that are currently not producing.

The point, though, is those who argue we should rely totally on the current status of our lease effort are saying let's have no new production. Everything they are talking about is either in production or in exploration or in preparation for production, but what they don't tell you is that 85 percent of the Outer Continental Shelf off the lower 48 States is off limits to development. There are no leases there. Eighty-three percent of the onshore Federal lands are currently off limits or facing restrictions to development. There are no leases there.

If you go back and think about the potential we have in the offshore oil, in the oil shale, in ANWR, in our onshore oil, and in the tremendous coal-to-liquids potential we have, there is no reason the United States should not aggressively seek to become energy independent in the arena of oil.

There are those who say: Well, that is because the big oil companies have the Republicans in their pockets and as we heard today, there is plenty of oil being produced. We just have to look at these acres, these leases that are not being used. Again, the reality is the United States of America, since the 1970s, has said no, basically no to further production, and that is why we see us increasingly and more increasingly dependent on foreign sources of oil.

In conclusion, the United States faces very serious threats to our future way of life. Our national security and our economic security are at risk. It is appropriate that we be here debating in the Senate on this issue. What is not appropriate is that ideas about all of these different kinds of production and renewable and alternative energy sources and conservation and efficiency measures are not allowed to be debated on this floor. Instead, we are told we are simply going to have a new government regulation system and the government is going to have a little more control of our markets and that is going to fix the problem of oil, and that is going to make it so the price of gas goes down. Well, it is not. I call on our leadership in this Senate to simply allow us to have a traditional, fair system of debate on the floor on the energy issue so we can debate all of these ideas. If some of them are bad, let them be voted down, but let's debate these ideas and the many ideas that others of my colleagues have about how we should solve our energy crisis in this country. I am confident if we will allow such a full and robust debate to occur, a tremendous amount of good ideas will come forward, and out of that debate will come a comprehensive, rational national energy policy that will focus on a diversification on our approach to energy and will put the United States on a sound, strong pathway toward energy independence.

If we don't do that and we refuse and shut down debate and allow only some kind of a market regulatory solution to be put into place, we will find we will have fouled up our markets, caused volatility in the price of oil. We will not have done anything to generate one more drop of oil or one more kilowatt of electricity or one more energy conservation effort that would reduce the consumption of oil or electricity, and we will see gas prices continue to rise.

It is incumbent upon us as Senators to call for a full debate. If we do so, the United States has the capacity, the resources, the ingenuity, and the ability to become energy independent and to become strong in the context of our energy policy.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ASSIGNMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached list of subcommittee assignments for the Committee on Appropriations be printed in the RECORD, to supplant the list printed in the RECORD on November 2, 2007.

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

SUBCOMMITTEES

Senator Byrd as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl,[1] Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett,[2] Cochran, Specter, Bond, McConnell, Craig, Brownback. (8–7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski,[1] Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby,[2] Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9–8)

DEPARTMENT OF DEFENSE

Senators Inouye,[1] Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran,[2] Stevens, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10–9)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan,[1] Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici,[2] Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9–8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin,[1] Murray, Landrieu, Lautenberg, Nelson, Brownback,[2] Bond, Shelby, Allard. (5–4)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd,[1] Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran,[2] Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9–8)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein,[1] Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Allard,[2] Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Alexander. (9–8)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin,[1] Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter,[2] Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8–7)

LEGISLATIVE BRANCH

Senators Landrieu,[1] Durbin, Nelson, Alexander,[2] Allard. (3–2)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson,[1] Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison,[2] Craig, Brownback, Allard, McConnell, Bennett. (7–6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy,[1] Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg,[2] McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8–7)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray,[1] Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond,[2] Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11–10)

[1] Subcommittee chairman.
[2] Ranking minority member.

## TRIBUTE TO KENTUCKY'S KOREAN WAR VETERANS

Mr. MCCONNELL. Mr. President, I rise today to honor the service and sacrifice of the hundreds of Korean war veterans living in the Commonwealth of Kentucky. This July 27 marked the 55th anniversary of the cease-fire that ended that conflict.

After 3 years of battle which nearly forced American and South Korean troops from the peninsula, the determination and bravery of our servicemen prevailed. Our heroes in uniform ensured that the people of South Korea would remain free.

Recently, nearly 300 Kentuckian Korean war veterans were recognized for their service by retired Korean Major General Seung-Woo Choi. Major General Choi was a child during the Korean war, but he wanted to say thank you to the brave Americans who fought to protect his and his family's freedom. So he traveled from South Korea to my hometown of Louisville, KY, to honor them.

I ask unanimous consent that the full newspaper article describing this ceremony be printed in the RECORD. I know the entire U.S. Senate stands with me to recognize the tremendous valor of our veterans, and to honor the sacrifice of those who did not return.

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

[From the Louisville Courier-Journal, July 25, 2008]

KOREAN WAR VETS HONORED: S. KOREAN GENERAL PRESENTS MEDALLIONS

(By J.D. Williams)

Looking back, Joseph Scott said he is thankful to be a veteran of the Korean War.

In 1950, Scott joined his two brothers, James and Talmadge, and enlisted in the Army.

Yesterday, the 77-year-old and nearly 300 other Korean War veterans from Kentucky were honored at the Kentucky Exposition Center for their service.

''I'm thankful I was there,'' Scott said of the war. ''It was quite an experience.''

The veterans were given a medallion designed by retired Korean Maj. Gen. Seung-Woo Choi, who came to Louisville from South Korea to honor them. Choi was a child during the Korean War, but has made it a priority to offer his thanks to veterans of the war that ensured South Korea's freedom.

Since 2002, Choi has presented over 5,000 medallions to veterans across the nation.

People from various veterans' organizations spoke at the event, and the Kentucky Korean Women's Choir performed.

''The sacrifice you made for the Korean people has not been forgotten . . . you saved our freedom,'' said Charles Park, a native of Korea who is with the Korea Foundation of Kentucky.

Marilyn Mullins, 67, the widow of Edward Mullins, said her husband would have loved to be there. He died in April 2007 of complications from diabetes.

''I wish he could have been here to accept it himself,'' Mullins said of receiving the medallion. ''He would have been glad to meet the general.''

She said the medallion is the only award her late husband has been presented. She said he was supposed to receive the National Defense Service Medal, the Korean Service Medal and the United Nations Service Medal, but they never reached him.

James Hall, 76, of Bowling Green, said he was glad to be with fellow Korean War vets.

Hall, who was 18 when he was deployed to Korea, was in the battle at Chosin Reservoir, which he called a ''horrible place at a horrible time.''

He said the severe cold with snow and without heat and warm food was nearly unbearable, but soldiers endured to ensure South Korea's freedom.

''I had tried to put a lot of things about Korea out of my mind, but it was wonderful to be with the veterans I served with,'' Hall said. ''It reminded me of how important it was for us to be there so South Korea could be free.''

## AMERICANS WITH DISABILITIES ACT RESTORATION ACT

Mr. LEAHY. Mr. President, this past weekend marked the 19th anniversary of the passage of the Americans with Disabilities Act, ADA, one of the Nation's most critical and effective civil rights laws. It is fitting that as we celebrate its passage, we reflect on the progress we have made in expanding possibilities for Americans with disabilities and the challenges that still remain.

We passed the ADA in recognition that the bedrock principles of human dignity and equal opportunity require all Americans to be judged on their individual merits and not on the prejudices of others. This law promised generations of Americans the opportunity to leave their mark on a country that had only years before denied them full participation. I, like many of my colleagues, supported this historic act. I hoped it would serve as a vital tool against the barriers that had long excluded persons with disabilities from fully participating in society.

By any reasonable measure, the ADA has been a success. Today, persons with disabilities enjoy rights many of us have long taken for granted. Now they

have access to public transportation built to accommodate people in wheelchairs. They have the ability to stay in hotels, travel, and enter schools and places of entertainment equipped for their needs. Indeed, almost every office building in America is fully accessible to them. Thus, the enactment of the ADA transformed our country and we are a better Nation because of it.

Despite these significant advances, recent decisions from the Supreme Court and lower courts attempt to erode the ADA's protections and threaten to turn back the clock on our progress. I am particularly disturbed by rulings that have narrowed the ADA in ways we never intended. Rather than broadly interpreting the ADA's mandate, as we intended, courts have repeatedly interpreted that law to embody a ''strict and demanding'' standard for determining who qualifies as an individual with a disability. These narrow rulings ensure that the persons we intended to shield, including those with severe illnesses, like epilepsy and multiple sclerosis, are no longer protected. As a consequence, millions of Americans who suffer discrimination are now excluded from ADA protection.

A few years ago, a Federal judge in Vermont's neighboring State of New Hampshire ruled that a woman with breast cancer was not sufficiently disabled to be protected by the ADA. Court rulings contrary to Congress's intent for the ADA are not limited to the New England States. Last year, a panel of judges on the U.S. Court of Appeals for the Eleventh Circuit unanimously ruled that even mental retardation did not constitute a sufficient disability under the ADA.

The message sent by these rulings is as unfortunate as it is undeniable: the courts no longer consider certain persons ''disabled enough'' to be protected. That means an employer could fire or refuse to hire a qualified worker on the basis of his or her disability, and defend that action in court on the grounds that the worker was not ''disabled enough'' to be protected under law.

In addition, the legislative history is crystal clear. Congress intended the ADA to protect all persons without regard to mitigating circumstances. Indeed, the Senate committee report on the ADA expressly stated ''[w]hether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.'' Despite this clear intent, courts have ruled that people with disabilities who take medication or use assistive devices should not be considered disabled.

I am particularly concerned that these rulings will undermine the rights of thousands of veterans with disabilities who, upon returning from the war, will enter the civilian workforce to support their families. Many of these veterans have disabilities, including post-traumatic stress syndrome, that may be controlled with medication. If any of them suffer job discrimination, we must make sure they will have a remedy.

Equally disturbing is that many of these cases can lead all Americans into what Senator HARKIN has aptly described as a legal catch-22:

> People with serious health conditions [] who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find that they are no longer protected by the ADA . . . . On the other hand, if they stop their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won't be qualified for the job.

We must act to remedy these erroneous court decisions. Last month, the House overwhelmingly passed the Americans with Disabilities Act Restoration Act. Now it is the Senate's turn to respond. This legislation would reverse these flawed decisions and restore the original congressional intent of the ADA. First, the bill would clarify Congress's purpose to reinstate a broad scope of protection for a range of persons with disabilities under the ADA. Second, the legislation would modify findings in the ADA that have been used by courts to narrowly interpret what constitutes a ''disability.'' Third, the bill would lower the burden of proving that one is ''disabled enough'' to qualify for coverage.

This long overdue legislation has ample support from both disability groups and business interests. I hope this bipartisan bill does not fall victim to the petty partisan obstruction that has prevented passage of other civil rights measures in this Congress that had broad bipartisan support, like the Lilly Ledbetter Fair Pay Act. While unprecedented obstruction tactics have led Senate Republicans to stall one bill after another on the Senate floor, it is well past time for us to turn the page on partisan tactics designed to thwart critical civil rights bills.

Indeed, our heritage of freedom and our continued march towards perfecting our Union, should remind us all that civil rights legislation holds a unique place in this institution. These bills bring us closer to fulfilling the promises engrained in our founding charters of establishing freedom and equality for all Americans. Thus, they should be held to a higher standard than other bills.

Time has shown the ADA to have been one of our Nation's most effective tools in combating discrimination. Its continued effectiveness is important to ensure that the great progress we have made in widening the doors of opportunity for all Americans continues in the future.

We have before us a historic opportunity to restore the ADA's original intent and reclaim the basic rights it extended to persons with disabilities. I was proud to support the ADA in the 101st Congress, and I am pleased to support this year's bill as it moves forward. I hope this bill will be promptly passed by the Senate and signed into law by the President.

## THE WAR POWERS CONSULTATION ACT OF 2009

Mr. WARNER. Mr. President, today I recognize the members of the National War Powers Commission, particularly the cochairs and my dear friends—former Secretaries of State James A. Baker and Warren Christopher—for their distinguished and valuable work in bringing forward this critical legislation to address this important issue to our Nation.

Few would dispute that the most important, and perhaps the most fateful, decisions our leaders make involve the decision of whether to go to war. Yet after more than 200 years of constitutional history, the extent of the powers the respective branches of government possess in making such decisions is still heavily debated.

Let me first outline some points regarding the legislative history of the War Powers Resolution. On November 7, 1973, Congress passed the War Powers Resolution over President Nixon's veto, by a vote of 284 to 135 in the House, and a vote of 75 to 18 in the Senate. The legislation was passed purportedly to restore a congressional role in authorizing the use of force that was thought by many to have been lost in the Cold War and Vietnam war. The War Powers Resolution was intended to provide a mechanism for Congress and the President to participate in decisions to send members of the U.S. Armed Forces into hostilities.

Less than 2 years after its passage by Congress in 1973, legislative proposals were introduced to amend the War Powers Resolution. The War Powers Resolution continued to raise concerns among the executive and legislative branches of government throughout the next decade as the Nation faced such situations as in El Salvador, Lebanon, and Libya.

Several legislative proposals were introduced in Congress to modify or repeal the War Powers Resolution. These legislative proposals were referred to the appropriate committee on the House or Senate side, but none were ever passed by Congress.

The War Powers Resolution again became an issue regarding activities in the Persian Gulf after an Iraqi aircraft fired a missile on the USS Stark on May 17, 1987, killing 37 sailors. Shortly afterwards, the United States began to reflag Kuwaiti oil tankers and provide a U.S. naval escort for Kuwaiti oil tankers through the Persian Gulf. As military escalation also continued to increase in the Persian Gulf region as a result of the Iran-Iraq War, the Congress became concerned that U.S. forces could be committed to the region without consultation between the executive and legislative branch.

Consequently, 20 years ago, on May 19, 1988, I, along with two of our former colleagues—Senators Mitchell and

Nunn—joined Senator BYRD and introduced the War Powers Resolution Amendments of 1988, known as S.J. Res. 323. Senator Boren later joined as well as a cosponsor of this legislation in June 1988. I humbly state today that I was the only Republican cosponsor of the legislation. This piece of legislation, however, was referred to the Senate Foreign Relations Committee, where it remained.

Subsequently, on January 25, 1989, I again joined Senator BYRD, but this time along with five of our former colleagues—Senators Boren, Cohen, Danforth, Mitchell, and Nunn—and introduced the War Powers Resolution Amendments of 1989, known as S. 2. Our former colleagues and I proposed legislation to modify the War Powers Resolution of 1973.

These amendments were intended to: require the President to consult with six designated Members of Congress ''in every instance in which consultation is'' required under the War Powers Resolution of 1973; require the President and the six designated Members of Congress to ''establish a schedule of regular meetings'' to ''ensure adequate consultation on vital national security issues;'' establish a ''permanent consultative group'' within Congress, which would be comprised of 18 Members of Congress; and require the President to consult with the permanent consultative group at the request of a majority of the 6 designated Members of Congress, unless the President determines that consultation needs to be limited for national security purposes.

Unfortunately, neither of these proposed pieces of legislation were voted on by the Senate. However, I subsequently cosponsored another similar piece of legislation, the Peace Powers Act of 1995, sponsored by our former distinguished majority leader, Senator Bob Dole. Hearings were held on this piece of legislation by the Senate Foreign Relations Committee, where it remained.

For over 35 years, despite these and similar legislative efforts, no modifications were made to the War Powers Resolution Act of 1973. Today, there still remains no clear mechanism or requirement for the President and Congress to consult before committing the Nation to war.

It is this Senator's opinion that the Nation benefits when the President and Congress consult frequently, deliberately, and meaningfully regarding matters of national security-and-that is exactly why I felt compelled to bring to my colleagues attention the important work recently completed by the National War Powers Commission.

The National War Powers Commission was formed in February 2007—by the University of Virginia's Miller Center of Public Affairs, which is directed by Virginia's former Governor Gerald L. Baliles—to examine the respective war powers of the President and Congress. The University of Virginia, the College of William and Mary, Rice University, and Stanford University served as partnering institutions.

On July 8, 2008, after more than 13 months of study, the Commission released their report and recommendations. I wanted to bring to the attention of my colleagues the important work done by this distinguished Commission to the War Powers Consultation Act of 2009. I strongly recommend that those interested in this important subject contact the University of Virginia's Miller Center of Public Affairs and also review a copy of the Commission's comprehensive report, titled ''National War Powers Commission Report,'' which can be accessed at the Miller Center's Web site, www.millercenter.org.

The exemplary work by the National War Powers Commission, concluded with the following recommendations: the law purporting to govern the Nation's decision to engage in war—the War Powers Resolution—has failed to promote cooperation between the two branches of government; the War Powers Resolution of 1973 is ineffective at best and unconstitutional at worst; and the War Powers Resolution of 1973 should be replaced by a new law that would, except for emergencies, require the President and Congress to consult before going to war.

I would specifically like to draw my colleagues attention to the Commission's legislative proposal, the War Powers Consultation Act of 2009. This proposed legislation contains four key components. These key components are: First, this legislation would replace the War Powers Resolution of 1973. It would ensure that Congress has an opportunity to consult meaningfully and deliberately with the President regarding significant armed conflicts, and would ensure that Congress has the opportunity to express its views as part of a consultative process.

Second, this statute would create a process that will encourage the two coequal branches of government to cooperate and consult in a way that is deliberate, practical, and true to the spirit of the Constitution.

Third, the act would establish a ''Joint Congressional Consultation Committee'' with a ''permanent, bipartisan joint professional staff'' with access to all relevant intelligence and national security information.

Fourth, and finally, the act would require the President to consult with the Joint Congressional Consultation Committee ''[b]efore ordering the deployment of United States armed forces into significant armed conflict''—lasting longer than one week—and would mandate regular consultation thereafter.

I have always believed that Congress has an important and central role in the decision of the deployment of our men and women of the armed forces into harm's way. Undoubtedly, the War Powers Consultation Act of 2009 would provide Congress and the President a well-defined mechanism for consultation on matters of the use of force in armed conflict.

The decision to commit our country to war is by far one of the most critical decisions that faces our Nation's leaders. This proposal seeks a concrete and pragmatic solution to a longstanding problem that is only getting more difficult in a time where our Nation will continue to face unconventional threats and warfare.

I urge my colleagues to review this important material and work together, with the next administration, to find a solution to this ever-present debate between a President and the Congress over their respective constitutional powers.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

It is a most interesting subject [to] bring up, the escalating prices of oil and the reason they are so high. I am tickled to hear that you believe in exercising our own resources here in our own country.

I have done a lot of research on this very subject and just happen to know a lot of people that are directly associated with or are involved in the Alaska oil situation and the reason for the billions that we spent on the pipeline to begin with. I also know that there is enough oil in Alaska to last us for two hundred years . . . but Washington does not seem to want to take that option. They are more interested in foreign oil and the foreign oil policy, even at the expense of our own country and fellow Americans.

Are you aware of how much natural gas they pump right back down into the ground using 747 Jet engines to do it with? If you are not aware, you need to be aware of it and if it does not madden you, then I can only question your way of thinking. Don't take my word for it, do the research.

If you are truly aware of what is really going on and you are truly in favor of exercising our own resources, then I am behind you one hundred percent. I am just not real sure how we are going to get the ugly politics out of Washington D.C., and I am an optimist, but on this one, it forces me to be a pessimist. I believe it has gone too far and is way out of control at this point.

I also know that we could be buying gasoline for our vehicles for less than a $1.50 a

gallon if we were using our own resources, but again, Washington does not seem to care and it sickens me. It is clearly about greed and money and greed breeds greed—just look how well it is working for the greedy. It makes me wonder why I ever served in Vietnam and why I lost 60,000 of my comrades, but [I feel resigned to accept what is happening].

I have always been behind you and supported you and will continue to do so and only can hope that at least you will stay honest or at least believe that honesty is the best policy.

BOB, *Boise*.

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I received an e-mail several days ago that has ''shaken me up'' and started my mind working. [We have enough gas] to keep all of America going for at lease 150, and probably 200 years, even accounting for increased population growth and demand for energy. The reason—the ''bottom line''—that keeps President Bush and Congress from allowing drilling oil within our borders is NOT environmental issues, but paying off the national debt. [Allow me to summarize:] In the early 1970's then Secretary of State Henry Kissinger traveled to most of the oil producing countries in the world, agreeing to buy oil from them IF they would sign to use part of the money they made on the sale to buy off our national debt.

If we started producing our own oil reserves, the fear is that the U.S. economy would collapse because the oil-producing countries from which we buy oil would stop paying down our national debt when we stopped buying oil from them. Well, here is my solution:

Start using our own oil reserves which would reduce the cost of gasoline to about $1.50/gallon. Charge us $2.50/gallon, sending $1.00 per gallon to pay off the national debt.

Who would not be delighted to pay just $2.50/gallon again? Who would object to paying a ''tax'' of $1.00/gallon to pay off the national debt when we would realize a savings over today's oil prices?

Please do not just trash this. Please give it some careful attention, and share the concept with others. It is time for a change. It is time to start thinking about saving our country for our country, and stop being held hostage by the International Monetary Fund and the World Bank. Thank you for ''listening'' and implementing some changes.

LOIS, *Caldwell*.

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This is in response to your email asking for my story about the impact that high gas and energy prices are having on my life. You said I could write a paragraph or two about how I am affected by high energy prices, and that it would be worthwhile for me to share the priorities that I think Congress should set in resolving this crisis.

CRISIS

(1) I no longer go backpacking, hiking, camping, or canoeing. Instead, I float the Boise River on a tube, because it is close to home. I used to buy equipment and services that supported those hobbies, but now I do not. So, those businesses that I used to patronize are impacted negatively, because I stay in town. Who also suffers? The businesses near the towns where I traveled, and the businesses on the highway that lead to those areas.

If more people are doing this, what is the impact to our environment? More people will not recognize the beauty of God's creation, which means they will be less likely to support bills that protect the environment.

(2) I no longer explore small Idaho towns and ghost towns. Who suffers? The business in those towns, and the businesses on the highways that lead to those towns.

(3) Long before the ''energy crisis'', I had already switched to fluorescent light bulbs. Fortunately, I had my home built with 2 attic fans, so that I do not have to use the air conditioning during summer. Also, almost every room in my home has ceiling fans; so, I turn on the ceiling fan in the room I am occupying instead of turning on the air conditioning for my entire home.

During the cold months, I set my thermostat to 40 or 50 degrees, 40 during the day if the outside temperature is above 30, and 50 when I am at home or if the outside temperature is below 30. This keeps my pipes from freezing, and it keeps my bills low. I wear warm fleece underwear, and warm fleece outer garments to stay warm. In contrast, my neighbor pays 5 or 6 times as much as I do for their natural gas bills during the cold months (but they are wealthy).

I have drained my hot tub, and I no longer use it. Now I wish I had never bought one. This hurts the hot tub industry, and any businesses that support that industry.

I canceled my satellite TV; that saves me $50 per month, and that is good for about two-thirds of a tank of gas.

I do not have a cell phone, and I do not plan on getting one, since it would cost $50 or more a month (which I can apply toward higher food costs).

(4) I combine trips and do not drive unless I have to. No Sunday drives. No ''unnecessary'' trips to the grocery store. I used to travel about 10,000 miles per year; but for the last 2 years, I have limited my driving to about 6,000 miles per year.

(5) I exclusively shop at Wal-Mart. If Wal-Mart does not carry it, then I don't buy it. Why would I drive around town to shop other stores when I can buy most everything at one place? That is great for Wal-Mart, but it hurts other businesses.

(6) I used to take one decent overseas vacation each year (or go to Hawaii or Florida). However, I stopped doing that after 2005. And since the cost of airline tickets are increasing, I won't even consider traveling. I need to save my money to buy gas and food. And when I see the price of oil rise $10 or more in one day, then I do not think about doing anything but save money for ''the worst case scenario.''

(7) I have changed my diet. I purchase less or no meats and more pasta and rice. I buy graham crackers instead of Oreos, or I make my own cookies. I buy less snack foods. The energy costs have driven up food costs. I have found ways to keep my food prices low by adjusting my diet, but this hurts other businesses. Oh, and I am not one of those obese Americans; I'm 5′9″ and 160 pounds . . . right where I need to be. I do not understand how obese Americans and their children can afford to feed their addiction to foods.

(8) I had hoped to quit my full-time job and work part-time instead (in lieu of traditional ''retirement''). However, because of the drastic increase in prices of energy and food, and because of the uncertainty and volatility in the global markets, I have postponed quitting my full-time job. That means that a college graduate cannot have my good paying full-time job. And it means that I can not enjoy the extra free time that a part-time job would give me.

(9) I drive a 1994 pick-up truck. I would like to buy a new vehicle, but I can not. Why? Because I need something that gets very good gas mileage and has a reasonable price tag, and there are no cars on the road that meet these criteria, even the so-called hybrids (which can not pay for themselves even at $5 or $6 a gallon because of the increased cost of hybrid technology). Back in 1994, it was a mistake to trade-in my 1987 Honda Civic that got 40 mpg in the city and 50 mpg on the highway (and it wasn't even a hybrid . . . and most hybrids can't even come close to that kind of gas mileage these days . . . but they cost 3 or 4 times as much as my Honda did in 1987 . . . and the ''technology'' is so much greater today!!!!). So, I will continue driving my 1994 truck that gets 19 mpg city, because it is way too expensive to buy a new vehicle (i.e., the cost to get a 30 mpg or 35 mpg vehicle will not pay for itself for 7 or 10 years). And you don't need to know my truck's mpg for highway driving, since I do not enjoy outdoor activities anymore, so it doesn't matter.

(10) I have noticed more crime in Boise within the last year. Why do you think that is? Because energy costs (and food costs) have risen too quickly . . . people can't cope with the sudden increases. However, we are not adding more police or more jails to support the increase in crime. I am glad that I do not live in a major metropolitan area, because I think that if energy costs continue to climb, the country is at risk of rioting in its metro areas.

CRISIS RESOLUTION

(1) Politicians need to stop pandering to oil companies and oil executives by developing very stringent fuel economy requirements. Politicians need to stop pandering to oil companies and oil executives by honestly and diligently pursuing alternative forms of energy. But can the politicians do this? After all, there is a lot of money involved with oil in so many places, industries, pocketbooks, and campaign contributions (legitimate and otherwise).

(2) Drill for oil on USA soil and in USA waters. Why? Because we can not wean ourselves from oil instantly; and there are no viable automotive solutions today that do not use oil. It is going to take several years to wean ourselves from oil. In the meantime, we need to rely on our own oil sources to balance our foreign oil dependency. This means drilling in ''pristine'' Alaska, along both of our coasts, and in other areas of our country where ''environmentalists'' say we should not drill.

(3) Pursue fuel cell technology for vehicles (Honda is doing it, finally). Forget ethanol. Forget hybrids. Fuel cell vehicles require hydrogen and oxygen and emit water! No gasoline involved at all. And no cash crops like corn are required, which should help ease the price of this and other commodities.

(4) Use more nuclear energy. This technology currently exists, and it is viable. We do not have to start from scratch.

(5) Take lessons from New Zealand with regards to hydro-electricity and other forms of energy. That country is extremely self-sufficient when it comes to energy.

(6) Use more wind power. This technology currently exists, and it is viable. Are some (rich) people worried about the view of the landscape changing? Then stop painting the wind turbines all white! Paint them to blend into the background, or camouflage style!

(7) Pursue solar power. It is amazing that this technology is so far behind. The sun is so powerful, and so available. Regular homeowners can not afford solar panels on their homes. Look at all the wasted roof space on buildings and homes!

(8) Give incentives for conservation. Why is this last on my list? Because I think most people do conserve energy already . . . except maybe the ''celebrities'' like Al Gore and many other rich folks who tout the environment and conservation, but live in the lap of luxury and waste.

KRISTIAN, *Boise*.

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I really do not think the gasoline price is really a result of supply and demand. I am all for conservation and alternative energy

plans and research with diverse sources. I am not opposed to nuclear. I just do not like the feeling of being manipulated. Just yesterday the spokesperson for Saudi Arabia expressed concern about the price of oil. They can see the writing on the wall if it stays like this. They increased supply while insisting that it is not a supply issue.

Other sources that are much more progressive have pointed out that legislation passed late in 2000 deregulated the energy futures. It was suggested on NPR today that Congress could reverse that decision and change the price of energy in one month. You can tell I would sit on the other side of the aisle if I was in Congress but with [the President] making such a fuss about supply and demand I doubt we are going to see any bold action from Congress.

I have pulled the points for the following paragraph from ''Mother Jones'' July–August 2008. You may not like the source but let us discuss the facts. I am referring to an omnibus spending bill passed on or about December 15, 2000. Yes, President Clinton was still in office then. Senator Phil Gramm slipped in a 262-page measure called the Commodity Futures Modernization Act. It contained a provision lobbied for by Enron that exempted energy trading from regulatory oversight. This is primarily about California electricity and the mortgage securities fiasco but I am sure that this regulation or other similar has allowed the current run up in energy futures. This could be regulated. The regulations put in place after the Great Depression were sound and it has been a disaster to undo many of them.

Personally, the high energy prices have had little impact on me. I am, at least for now, still an overpaid engineer at Micron. I have purchased another old Saturn and my wife is driving that more and driving the Bonneville less. GM is saying how much it would take to raise the CAFE standards, but many of us have increased the mileage of our cars by 20 percent for about $200 and we have not disabled emission systems or lied to the engine computer. My car has averaged 55 mpg for the last year and will do about 50 mpg at 65 mph.

The changes are primarily aerodynamics and a little hotter air fed into the engine. Some have bypassed emission systems but many have not.

That is not much of a story but I hope it gets you to thinking about some of these in a new light.

Thanks.

ERNIE, *Meridian*.

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Because of the gas prices we hardly go anywhere other than work and the store. Most of this energy crisis has been brought about by the speculators—these are the same people who brought on the sub-prime mess. They have to be stopped because they are ruining our economy. The cost of oil has nothing to do with its availability; it is pure speculation on the part of commodity traders. If these scavengers are not reigned in, the world economy is in for a depression. As soon as the energy bubble bursts, they will move to a new bubble which is food and, because of them, millions will starve. One of the other driving forces behind oil prices is the Federal Reserve (which is neither federal or reserve) lowering interest rates and devaluing the dollar. The banks are out for only themselves and they do not care what happens to the rest of us. The Federal Reserve needs to be done away with—because of the Fed's printing and Congress's spending habits, we are in big trouble.

We can barely afford the price of gas to go to and from work so vacations are out this year and so are a lot of other things. [How] are people, especially senior citizens on a fixed income, going to heat their homes this winter? This is going to hurt Idaho businesses because any extra money is either spent on food or utilities.

Nobody believes the government figures on inflation (which are out-and-out lies) or the figures on unemployment. We are getting tired of the government lying to us and thinking we are too stupid to figure it out. There is nobody to for vote for or against in either the Democrat or Republican Presidential race. I am . . . tired of wasting my vote on the lesser of 2 evils . . .

MR. AND MRS. GEORGE.

## ADDITIONAL STATEMENTS

### TRIBUTE TO THE SILVER STAR FAMILIES OF AMERICA

• Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate the Silver Star Families of America, upon the completion of $1 million in donated volunteer hours and materials to remember and honor the wounded and ill of our armed forces.

The Silver Star Families of America was founded on April 11, 2005, and received 501(c)3 status on December 5, 2005. The Silver Star Flag and Banner are symbols of remembrance and honor for the wounded soldiers and their families as well as anyone wishing to honor those wounded during combat while honorably serving in the U.S. Armed Forces. The goal of the Silver Star Families of America is to recognize the blood sacrifice of our wounded and remember their efforts by honoring them with the Silver Star Banner. The Silver Star Families of America also advocates for the wounded and assists in educating their families and the public concerning their plight.

I have had the pleasure of meeting and working with the Georgia representative of Silver Star Families of America, Trish Benefield of Rome, GA, on a number of occasions while she organized State and local events and hospital visits to honor the men and women of our Armed Forces and their families who have sacrificed so much on behalf of our Nation's freedom.

Ms. Benefield, chief Steven J. Newton, founder of Silver Star Families, national president Janie Orman, and volunteers across the country have donated 47,912 hours valued by the Veterans Administration at $934,763. They have also donated over $40,000 in Silver Star Banner distribution and $30,000 in direct aid for items such as services to homeless and near-homeless veterans, care packages, and support of hospitalized veterans and other programs. This achievement is a noteworthy one, and I am proud to recognize this accomplishment today.•

### RECOGNIZING THE RED CLOUD INDIAN SCHOOL

• Mr. JOHNSON. Mr. President, the Red Cloud Indian School is worthy of much acclaim. Founded by Franciscan Sisters and Jesuits in 1888 as the Holy Rosary Mission, they strove to teach and maintain Oglala and western knowledge for the youth of Pine Ridge Indian Reservation and its surrounding areas. In 1969 the school changed its name to Red Cloud Indian School out of respect and appreciation for the great Chief Red Cloud who petitioned the government to allow the establishment of the school. Today nearly 600 students are enrolled in classes spanning every grade from kindergarten through twelfth. The school is private and 97 percent of its funds come from private donors, as students are required to pay only a minimal fee to attend. Classes include a wide range of subjects, such as math, science, history, ethics, and Lakota culture. Combining this wide range of education helps retain the Lakota heritage while preparing students to enter the larger society.

Red Cloud Indian School has made postsecondary education a priority and has done an exceptional job educating and preparing its students for the world. Seeking 100 percent college matriculation, the high school proudly touts that, in 2004, 94 percent of its graduating class pursued post-secondary education, the highest rate of any Indian school in the country.

Since 1999, 32 Red Cloud students have received the Gates Millennium Scholarship. The Gates Millennium Scholarship Program was originally funded through a $1 billion grant from the Bill & Melinda Gates Foundation in 1999. The program has two main goals: to encourage academic success and to provide absolute financial support to excellent minority students who have financial constraints that could otherwise inhibit their ability to attend college. To date, over 12,000 people have been awarded the Gates Millennium Scholarship.

The recent Gates Scholarship recipients of Red Cloud Indian School are as follows:

1999—Candace Brings Plenty;

2001—Sarah Yellow Boy and Lawrence Vigil;

2003—Donnel Ecoffey;

2004—Carmen Fourd, John Cross Dog, and Marie Zephier;

2005—Jason Clifford, Blue Dawn Little, Shayna Richards, and Sarah White;

2006—Rianna Albers, Jordan Herman, Larissa Little Moon, Dallas Nelson, Marissa O'Bryan, and Brandi Shortman;

2007—Monique Claymore, Sammi Herman, Samantha Janis, Tanner O'Daniel, Matthew Shoulders, Kaylynn Two Bulls, and Allison Weston; and

2008—David Anaya, Dylan Fills Pipe, Season Frank, Danielle Hudspeth, Chante Knight, Stevie Tobacco, Vern White Butterfly Jr., and Audrey White.

Congratulations to the Red Cloud Indian School staff, students, and families. Their sustained success is very admirable and is worthy of the highest praise! •

## CHEYENNE RIVER YOUTH PROJECT

• Mr. JOHNSON. Mr. President, I wish to speak today to recognize the Cheyenne River Youth Project in Eagle Butte, SD. This year, the Cheyenne River Youth Project is celebrating its 20th anniversary. From its beginnings in 1988, it has sought to assist the Lakota youth and families on the Cheyenne River Indian Reservation by providing them with a nurturing environment and a sense of hope about their future. I am so proud of this project and the positive impact that it has had on those youth.

Over the years, hundreds of volunteers from around the world have crossed the threshold at the Cheyenne River Youth Project and offered their time and their hearts to influence the lives of the Lakota youth. The project serves youth from as young as 4 years old to young adults of 18 years old. As we all know, these are critical years in development of young men and women. Combined with traditional customs and contemporary programs, the CRYP is a success story for other fledgling grassroots youth programs.

I am so proud to have helped guide Federal resources to help with the construction and programming for the project. Julie Garreau, who has served as the executive director of the projects, has been a tireless advocate and deserves high praise for the love, hard work, and dedication she has shown for her community. I would also like to thank Olympic Gold Medal winner Billy Mills and his organization, Running Strong for American Indian Youth, for his work in his home State and across the Nation to help Native youth. His dedication to the Cheyenne River Youth is particularly evident in his efforts to assist the Cheyenne River Youth Project.

On more than one occasion, I have had the opportunity to visit the Cheyenne River Youth Project, at its facilities in Eagle Butte, at ''The Main'' and the new Cokata Wiconi Teen Center. I couldn't be prouder of the accomplishments of its staff and its many volunteers of the past two decades! Congratulations and best wishes for many more years of service in the future!•

## TRIBUTE TO GENERAL RICHARD A. CODY

• Mr. LEVIN. Mr. President, I commend GEN Richard A. Cody, Vice Chief of Staff of the U.S. Army, for his outstanding service and commitment to excellence throughout his 36 years of distinguished military service to our Nation. General Cody will retire in August 2008 with the gratitude and well wishes of the Nation and particularly of the soldiers and families to whom he has devoted his life.

General Cody is originally from Montpelier, VT, and began his service as a cadet at the U.S. Military Academy. He graduated from West Point in 1972 and became an Army aviator. General Cody has long been widely regarded as the Army's premier attack helicopter warrior and pilot with over 5,000 flying hours.

For more than 20 of his 36 years as a soldier General Cody has been entrusted with the command of troops in well known combat units including the 160th Special Operations Aviation Regiment and several assignments with the 101st Airborne Division . Most notably, in 1991 then-Lieutenant Colonel Cody personally led the Apache attack helicopters of Task Force Normandy, the joint aviation task force that fired the opening salvoes of the gulf war, that destroyed Iraqi air defense sites and, as GEN H. Norman Schwarzkopf recounted, ''plucked out the eyes'' of Sadaam Hussein's air defenses.

Over the last 6 years, as one of the most senior leaders of the Army, General Cody has dedicated himself to ensuring that American soldiers are the best-trained, best-equipped and best-led force ready for the complex challenges of the global war on terror. As a result, in part of his determined leadership and uncompromising support, soldiers deployed in Afghanistan, Iraq and around the world have met those challenges.

General Cody's insight and leadership has also been a force behind the Army's transformation, which has set the Army on a path to provide the Nation with an Army that is more lethal, agile, deployable, and flexible; capable of fighting and winning this Nation's wars in the 21st century.

General Cody has been an example to soldiers throughout his great career; an example shared by his proud Army family as well. His wife Vicki will forever be a strong voice and tireless worker for soldiers and their families. Their brave sons Tyler and Clint, also Army officers and attack helicopter aviators with six combat tours between them, have answered the same call to duty and continue to serve the Nation.

General Cody is an American hero, unflinching in war and tireless in peace. President John F. Kennedy once said, ''When at some future date the high court of history sits in judgment of each one of us-recording whether in our brief span of service we fulfilled our responsibilities, we will be measured by our answers to 4 questions-were we truly men of courage were we truly men of judgment were we truly men of integrity were we truly men of dedication?'' I believe that when history judges the service of General Cody, the Army's 31st Vice Chief of Staff, it will be clear that this was truly a man of courage, judgment, integrity, and dedication.

The Nation is honored and grateful to have had the service of GEN Richard Cody and his family. As he and his wife start this next chapter of their lives, we wish them all the best for a day of rest well deserved and earned.•

## TRIBUTE TO P.E. MACALLISTER

• Mr. LUGAR. Mr. President, I am pleased to have the opportunity today to recognize the important leadership of a remarkable Hoosier businessman, community leader, and treasured friend of 41 years, Mr. P.E. MacAllister. On August 30, 2008, P.E. will celebrate the signal occasion of his 90th birthday. This birthday is a special event for his many friends throughout the Midwest and especially for Hoosiers in central Indiana where P.E. has enriched countless lives through his important service to the Indianapolis community.

P.E. was raised in Wisconsin and graduated from Carroll College in 1940. He then spent 5 years in the Air Force as a captain and 27 months overseas in the 1st Fighter Group.

Joining the family business of MacAllister Machinery Company in Indianapolis after his service abroad, P.E. has been chairman of the board since 1952. His awards in the business industry are many and well-deserved. In addition to these accomplishments, P.E. has served on boards in the arts, health, recreation, philanthropic, and municipality arenas. His love of opera, to cite one example of his activism, engendered the largest nonrestricted vocal competition for opera singers in the Nation. This competition—The MacAllister Awards—ran for 22 years.

When I was elected mayor of Indianapolis in 1967, P.E. was among my earliest and strongest supporters whose generous and wise counsel was most appreciated. My election occurred just months before the death of Martin Luther King, Jr. and the extraordinary convulsions which troubled most American cities at that time. P.E. provided exemplary leadership during this challenging time by recruiting business leaders to aid in the creation of outreach programs for our city's youth.

I recall one particular initiative in which the city was availing itself of Federal resources through the Special Employment Program and the Special Program for Disadvantaged Youth in order to employ idle youth in a public works project that turned unused land into gardens. P.E., in recognizing the value in such a project, generously provided the heavy equipment that allowed for the planting of trees, the moving of soil, and the beautification of Indianapolis.

Further, in 1971, P.E. successfully served as the executive director of the Conference on Cities held in Indianapolis. This was an international symposium on urban problems in collaboration with the North Atlantic Treaty Organization. Since our early work, I have found his insights on world events to be profound, continually aided by his travels and comprehensive reading.

I celebrate P.E.'s achievements, friendship, and tireless dedication to engaging in constructive acts that always lead to great discussion and debate on complex issues. I wish P.E. MacAllister a very Happy 90th birthday.•

## VERMONT'S CHAMPLAIN HOUSING TRUST

• Mr. SANDERS. Mr. President, It is with great pleasure that I inform you, my colleagues, and the Nation that Vermont's Champlain Housing Trust was selected as one of two recipients of the 2008 World Habitat Award, an honor presented annually by the United Nations.

Each year on World Habitat Day, the United Nations Agency for Human Settlements, which promotes socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all, presents these awards. Established in 1985, the World Habitat Awards are bestowed on projects that provide practical and innovative solutions to current housing needs and problems. One award is for a project in the global north and the other for a project in the global south.

I have a particularly deep and lengthy interest in the Champlain Housing Trust. It was established as the Nation's first municipally funded community land trust in 1984, when I was mayor of Burlington, VT. It has grown substantially, and today it is not only the first but the largest, community land trust in the country. It has provided a model for securing perpetually affordable housing that has been adopted by many other cities and municipalities across the Nation.

The program came into being because, in the 1980s, Burlington faced a number of housing challenges—and we were looking for innovative solutions. Among other issues that we faced was the reality that low and moderate income households, in the face of rapidly rising and fluctuating house prices, were threatened with displacement. We also believed that decent and affordable housing was a right of all people and not just a commodity for financial gain by a select few. As mayor of Burlington, I was very fortunate to have an outstanding staff as well as strong community input in helping to formulate this concept. Among many others who played an active role in developing what was initially called the Burlington Community Land Trust were Terry Bouricius, John Davis, Peter Clavelle, Michael Monte, Brenda Torpy, and Amy Wright.

When I entered the House of Representatives, my interest in land trusts did not abate. Encouraged by the growing land trust community across the Nation, I successfully introduced legislation that encouraged the use of the land trust model the Burlington community land trust had helped establish so that this model could be expanded to communities across the country.

Meanwhile, ably directed by Brenda Torpy and a legion of committed staff and volunteers over the past two and a half decades, the Champlain Housing Trust has continued to grow and expand its geographic reach, and has been met with unparalleled success. Thousands of low and moderate income families have been able to experience homeownership, while the trust has made great strides both toward revitalizing Burlington's historical Old North End neighborhood and expanding to three different counties in northwestern Vermont.

The Champlain Housing Trust is a model of democracy at the grassroots, involving homeowners, as well as government officials and members of the larger community, in its governance.

It has been a successful experiment that has revealed to the nation and, as this U.N. award demonstrates, to the world as well, how through the land trust concept, home ownership can be combined with making housing perpetually affordable.

The 2008 World Habitat Award is in recognition of all who have worked on establishing and expanding land trusts, all who have bought land trust homes, and all who have helped disseminate the land trust concept. And, in particular, it is a celebration of the wonderful work done by the Champlain Housing Trust.•

## HONORING SIMONES' HOT DOG STAND

• Ms. SNOWE. Mr. President, I wish to celebrate the centennial of a treasured institution within Maine's Lewiston-Auburn community. Simones' Hot Dog Stand has been located on Chestnut Street in Lewiston since 1908, and by the looks of things, it will be there for at least another hundred years.

A third- and fourth-generation family-owned small business, Simones' Hot Dog Stand has been immensely popular since its founding. Back then, Simones' was truly a ''small'' business, constructed of wooden soda crates with just four stools for customers. Luckily, Simones' had a walk up take out window as well. Hot dogs at the time cost a nickel, with the bargain price of a quarter for six hotdogs. Over the years, various members of the Simones family have operated and worked at the stand, and its present proprietor, Jimmy Simones, has been a steadfast employee since 1973.

With time, the hotdog stand has faced challenges and undergone changes. During the Great Depression, with the price of meat skyrocketing, Simones' turned to chopped bologna as a substitute for hotdogs. During World War II, when meat became scarce on the homefront, SPAM was used in its place until the daily ration was employed. In 1966, realizing the need for additional space, Simones' moved across the street, from 98 Chestnut Street to No. 99, where it has been since. Over the years, Simones' menu has expanded to include other lunch items, such as subs, salads, and even homemade soups from scratch during the cold winter months. It is also open for breakfast.

But what will catch the visitor's eye most, aside from the fast and friendly service, is its signature bright neon red hotdog. Simones' famed hotdogs are truly unique, with a complement of red food coloring in their casings. Many customers prefer the traditional presentation of a steamed hotdog in a steamed bun topped with mustard, ketchup, or relish. For those of different culinary persuasion, Simones' offers chili, cheese, and sauerkraut to top their hotdogs.

Simones family members are also charitable neighbors, helping to make Lewiston a better place to live. Simones' donates their hotdogs to the scholarship foundation of the MAINEiacs, Lewiston's junior ice hockey team, as well as Leavitt Area High School's Project Graduation and other local nonprofit groups. Current owner Jimmy Simones serves on the Central Maine Community College Foundation board of directors and has volunteered at Lewiston's Sexual Assault Crisis Center. Additionally, Jimmy's wife Linda is a member of the St. Mary's Hospital Federally Qualified Health Care Board in Lewiston and a graduate of the hospital's nursing school. The Simones family is also active in the Holy Trinity Greek Orthodox Church parish. Jimmy is a past president of the church, and son George, who works at the stand, serves as a chanter for services. And all three Simones are familiar faces during the church's annual Greek Festival, volunteering their time to enhance the experience of the hundreds who attend.

From the regulars who come in daily for a hotdog, to Maine's political figures who make it a must-stop on the campaign trail, Simones' is truly the place to take the local pulse of the Lewiston-Auburn community. It is no wonder that Simones' has established itself as a pillar in central Maine. I wish Jimmy, Linda, George, and everyone at Simones' a wonderful celebration of 100 successful years and look forward to many more years—and hotdogs.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons are to continue in effect beyond August 1, 2008.

The actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty contribute to political and economic instability in that country and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 30, 2008*.

## NOTICE: CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS

On August 1, 2007, by Executive Order 13441, I declared a national emergency and ordered related measures blocking the property of certain persons undermining the sovereignty of Lebanon or its democratic processes or institutions and certain other persons, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty which contributes to political and economic instability in that country and the region.

Because these actions continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH.
THE WHITE HOUSE, JULY 30, 2008.

## MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GEORGE MILLER of California, HINOJOSA, TIERNEY, WU, BISHOP of New York, ALTMIRE, YARMUTH, COURTNEY, ANDREWS, SCOTT of Virginia, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. HIRONO, Messrs. KELLER of Florida, PETRI, Mrs. MCMORRIS RODGERS, Ms. FOXX, Messrs. KUHL of New York, WALBERG, CASTLE, SOUDER, EHLERS, Mrs. BIGGERT, and Mr. MCKEON.

From the Committee on the Judiciary, for consideration of sections 951 and 952 of the House bill, and sections 951 and 952 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Ms. WATERS, and Mr. GOHMERT.

From the Committee on Science and Technology, for consideration of sections 961 and 962 of the House bill, and section 804 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, BAIRD, and NEUGEBAUER.

At 12:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2192. An act to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

H.R. 2490. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

H.R. 6113. An act to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.

H.R. 6295. An act to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

H.R. 6388. An act to provide additional authorities to the Comptroller General of the United States, and for other purposes.

H.R. 6560. An act to establish an earned import allowance program under Public Law 109–53, and for other purposes.

H.R. 6580. An act to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

At 1:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 398. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

## ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

At 6:54 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2192. An act to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2490. An act to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; to the Committee on Commerce, Science, and Transportation.

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6113. An act to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6388. An act to provide additional authorities to the Comptroller General of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6560. An act to establish an earned import allowance program under Public Law 109–53, and for other purposes; to the Committee on Finance.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3348. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 30, 2008, she had presented to the President of the United States the following enrolled bill:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–422. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation to establish a minimum sound level standard for all new automobiles sold in the United States to ensure the safety of the blind and other pedestrians, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 52

Whereas, electric vehicles operate on batteries and are marketed as having the advantage of operating without the sound and smell of standard internal combustion engines, and hybrid vehicles combine conventional gas-powered engines with battery-powered electric motors and, when in the electric mode, also operate without making sound; and

Whereas, all pedestrians use the sound of traffic in combination with other techniques to travel safely, as evidenced by the fact that commercial trucks emit a sound when backing up to alert pedestrians to their presence; and

Whereas, blind people depend solely on the sound of traffic to determine the location of a traffic light and indication of whether a traffic light is red or green and whether an individual automobile is idling, accelerating, decelerating, or turning left or right, all of which allows a blind person to gauge the time to navigate a crosswalk and to travel independently and safely; and

Whereas, action must be taken to ensure that all vehicles emit a sound while turned on, and such a sound from all vehicles must be loud enough to be heard over the din of other ambient noise and be heard from a distance which would allow pedestrians to travel safely, and such a sound must be emitted both while the vehicle is in motion and while motionless, the sound must also change with speed, must not easily be disabled, must not be annoying but still emit a unique sound distinguishable from other noises, and must be uniform from model to model. Therefore, be it

*Resolved,* That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure the safety of the blind and other pedestrians by passing legislation requiring the United States Department of Transportation, National Highway Traffic Safety Administration, to adopt regulations establishing a minimum sound level standard for all new automobiles sold in the United States. Be it further

*Resolved,* That the regulations adopted by the United States Department of Transportation, National Highway Traffic Safety Administration, need not prescribe the method automobile manufacturers must use to achieve the minimum sound standard, but the standard should have the following characteristics:

(1) In all phases of operation, including times when the vehicle is at a full stop, vehicles should be required to emit an omnidirectional sound with similar spectral characteristic of those of a modem internal combustion engine.

(2) The sound should vary in a way that is consistent with the sound of vehicles with combustion engines to indicate whether the vehicle is idling, maintaining a constant speed, accelerating, or decelerating. Be it further

*Resolved,* That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–423. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation to take such actions as are necessary to improve, modernize, and enhance drainage along the Jefferson Parish and Orleans Parish line, and for other purposes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 178

Whereas, since Hurricane Katrina local officials and drainage personnel have worked diligently with neighborhood civic associations, congress, and the Corp of Engineers to improve the safety of lives and property against hurricane overflow and rainfall flooding; and

Whereas, there is now a plan which is supported by local officials that can achieve these goals and benefit the residents and businesses that are dependent upon the Seventeenth Street Canal, Pump Station Number Six, and the Monticello Canal; and

Whereas, the locally preferred plan is comprised of four essential components as follows: improve the depth and efficiency of the Seventeenth Street Canal between existing Pump Station Number Six and Lake Pontchartrain to move rainwater more quickly to Lake Pontchartrain, build a new pumping station at the lake end of the Seventeenth Street Canal to replace the existing Pump Station Number Six and to prevent water from Lake Pontchartrain from entering the canal, supplement a new pump station at Lake Pontchartrain with a pipeline system and a separate pumping station that will discharge directly into the Mississippi River, rather than into the Seventeenth Street Canal and Lake Pontchartrain, and remove existing Pump Station Number Six from the system. Therefore, be it

*Resolved*, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to implement the four essential components outlined in this Resolution in order to improve, modernize, and enhance drainage in Jefferson and Orleans parishes. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–424. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact the hearing aid assistance tax credit act; to the Committee on Finance.

HOUSE RESOLUTION NO. 155

Whereas, hearing is clearly one of our most essential senses. It is often taken for granted, unfortunately, until the time one begins to experience hearing loss. At this point it is too late to reverse the damage. Hearing aids are the ready solution to the problems associated with hearing loss, but the costs associated with good quality equipment is expensive, is not always covered by one's insurance or Medicaid, and is too often foregone for more immediate needs. A federal tax credit would provide immediate and necessary relief for tens of thousands; and

Whereas, indeed, it has been estimated that hearing aids would help ninety-five percent of those suffering from hearing loss. Only twenty-two percent of the population, however, currently uses a hearing device, because the average out-of-pocket costs associated with hearing aids is over $2,800. Thousands upon thousands of individuals and family members are impacted by these soaring costs. It is estimated that close to 2 million people are affected by untreated hearing loss; and

Whereas, in Michigan, legislation was enacted in 1978 to exempt hearing aids from the state sales tax. This initiative was a clear

recognition of the important of cost savings to those in need of hearing aids. The Congress should follow this stellar example and enact similar tax incentives in the U.S. Tax Code; now, therefore, be it

*Resolved,* By the House of Representatives, That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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POM–425. A resolution adopted by the Legislature of the State of Florida, urging Congress to increase federal funding for Alzheimer's disease research; to the Committee on Health, Education, Labor, and Pensions.

SENATE MEMORIAL NO. 2662

Whereas, Alzheimer's disease is a progressive degenerative disorder that destroys cells in the brain and is the leading cause of dementia, a condition that involves memory loss, decline in the ability to perform routine tasks, disorientation, difficulty in learning, loss of language skills, impairment of judgment, and personality changes, and

Whereas, as Alzheimer's disease progresses, individuals with the disease become unable to care for themselves, and

Whereas, as many as 5 million Americans have Alzheimer's disease, including approximately 500,000 Floridians, and, by 2050, the number of individuals in the United States with the disease could range from 13 million to 16 million unless a way to prevent or cure the disease is discovered, and

Whereas, Alzheimer's disease strikes approximately 1 in 10 people over the age of 65 and nearly half of those who are age 85 or older, and

Whereas, the average lifetime cost of care for an individual with Alzheimer's disease is $170,000, and

Whereas, half of all nursing home residents have Alzheimer's disease or a related disorder, with the average annual cost of nursing home care for individuals with the disease exceeding $70,000 per resident, and

Whereas, Medicaid pays half of the total nursing home bills for individuals with Alzheimer's disease and helps 2 out of 3 residents pay for their care, and

Whereas, Medicaid expenditures for nursing home care for individuals with Alzheimer's disease are estimated to increase from $21 billion in 2005 to $24 billion in 2010, and

Whereas, 1 in 8 caregivers for individuals with Alzheimer's disease becomes ill or injured as a direct result of caregiving, and 1 in 3 uses medication for problems related to caregiving, with older caregivers being 3 times more likely to become clinically depressed than others in their age group, and

Whereas, a 4-year study conducted by researchers from the University of Pittsburgh showed that elderly spouses strained by caregiving were 63 percent more likely to die during that 4-year period than their noncaregiving counterparts, and

Whereas, if our nation achieves its research goals of preventing the onset of Alzheimer's disease in those at risk and treating and delaying progression of the disease in those already ill, annual Medicare savings would be $51 billion by 2015 and $88 billion by 2020, annual Medicaid savings would be $10 billion in 2015 and $17 billion by 2020, and the projected number of cases of the disease would be reduced by 40 percent by the middle of the century, and

Whereas, a cure for Alzheimer's disease may be achieved sooner by increasing funding of Alzheimer's disease research at established and reputable research institutes, and

Whereas, the Congress of the United States appropriated $642 million for Alzheimer's disease research during fiscal year 2007–2008. Now, therefore, be it

*Resolved by the Legislature of the State of Florida:* That the Congress of the United States is urged to increase federal funding for Alzheimer's disease research by $360 million during fiscal year 2008–2009. Be it further

*Resolved,* That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–426. A resolution adopted by the Legislature of the State of Florida, urging Congress to support national standards for educator ethics and a national clearinghouse to strengthen state efforts in the reporting, screening, and sharing of critical information relative to educator misconduct; to the Committee on Health, Education, Labor, and Pensions.

SENATE MEMORIAL 1742

Whereas, teachers are entrusted with the care and supervision of minor children away from the direct observation of parents, and

Whereas, the student-teacher relationship is necessarily built on a child's trust and respect for an adult in authority, and

Whereas, parents and the community rely upon school district officials and individual educators to protect the integrity of that relationship, and

Whereas, educators rely upon the state and school districts to promote respect for the teaching profession through the timely investigation and disposition of allegations of misconduct, assurance of due process, and elimination from the teaching ranks of those who bring discredit to the profession. Now, Therefore, be it

*Resolved by the Legislature of the State of Florida:* That the Congress of the United States is urged to support the passage of laws establishing ethical standards for professional educators and to support a national clearinghouse to provide for the reporting of data concerning educator misconduct. A national database is necessary to promote the timely sharing of critical information among states and to provide for the safety and welfare of students. Be it further

*Resolved,* That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–427. A resolution adopted by the Legislature of the State of Florida, urging Congress to make forms for the United States Decennial Census of 2010 available in the Creole language for the Haitian population of Florida; to the Committee on Homeland Security and Governmental Affairs.

SENATE MEMORIAL 1454

Whereas, results from the United States Decennial Census of 2000 show that there were 419,317 foreign-born persons from Haiti in the United States when the census was taken, and

Whereas, the state with the largest population of foreign-born persons from Haiti in 2000 was Florida with 182,224, which represented 6.8 percent of Florida's total foreign-born population of 2.7 million, and

Whereas, in conducting the federal decennial statewide census in 2000, the United States Census Bureau used a variety of methods to communicate with people who could not speak English, and

Whereas, households that received the census form in the mail had the option of requesting the form in Spanish, Chinese, Tagalog, Vietnamese, or Korean, and

Whereas, individuals who believed that they were not included on a form or did not receive a form could use the ''Be Counted'' questionnaires that were available in public areas and printed in English, Spanish, Tagalog, Vietnamese, and Korean, and

Whereas, the Census Bureau also published a short-form and a long-form language assistance guide in 49 different languages, one of which was Creole, to assist respondents, and

Whereas, however, given the considerable size of Florida's Haitian population, in the interest of equity and obtaining the most accurate information possible from the next federal decennial statewide census, the United States Census Bureau should make forms for the United States Decennial Census of 2010 more accessible to the Haitian population of Florida by making the census forms available in the Creole language, and

Whereas, in addition, the census forms for the United States Decennial Census of 2010 should be prepared in a manner that will allow a respondent to indicate whether he or she is a Haitian national or of Haitian descent. Now, therefore, be it

*Resolved by the Legislature of the State of Florida:* That the Congress of the United States is urged to require the United States Census Bureau to make census forms for the United States Decennial Census of 2010 available in the Creole language to provide for optimal accessibility by the Haitian population of Florida and to prepare the census forms in a manner that will allow a respondent to indicate whether he or she is a Haitian national or of Haitian descent. Be it further

*Resolved,* That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–428. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to direct the Federal Emergency Management Agency to review its recovery policies and programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 178

Whereas, during the seventeenth century, about one hundred French families settled in a portion of Nova Scotia controlled by the British, then known as Acadia, where they developed friendly relations with the Indians and learned their hunting and fishing techniques; and

Whereas, when the French and Indian War began in 1754, the British government, doubting the neutrality of the Acadians, demanded that they take an oath of allegiance to the British monarch, and since the oath required renouncing a key article of their Roman Catholic faith, most refused and as a result many were imprisoned; and

Whereas, in what is own as the Great Expulsion (Grand Dranger̂ment), about thirteen thousand Acadians, three-fourths of the Acadian population in Nova Scotia, were expelled from the colony between 1755 and 1764, their homes were destroyed, and they were exiled among the American colonies and other remote lands; and

Whereas, in the chaos of this expulsion, families and friends were separated and placed on different ships, as a result of a deliberate effort on the part of the British to ''exterminate'' the Acadian culture through forced assimilation; and

Whereas, many Acadians found themselves unwelcome among the thirteen colonies,

some were deported to France and the French islands of St. Pierre and Miquelon near Newfoundland, and other Acadians became slaves in the British colonies, the Carribean, and in Europe; and

Whereas, large numbers of these Acadians eventually made their way to Louisiana just after France ceded its colony of Louisiana to Spain in 1762 and were referred to as Cajuns by the English-speaking colonists; and

Whereas, the Spanish allowed the Acadians to continue to speak their language, practice Roman Catholicism, which was also the official religion of Spain, and otherwise pursue their livelihoods with minimal interference; and

Whereas, the majority of the Acadians settled in southern Louisiana in the area west of what is now New Orleans, mainly along the Mississippi River, and they were later moved by the colonial government to the swamps, cheniers, and prairies further west and southwest of New Orleans, to lands deemed uninhabitable due to the harsh living conditions, where they lived among the Attakapa and Chitimacha Native American tribes; and

Whereas, Henry Wadsworth Longfellow was so moved by the plight of the Acadians that he wrote a poem titled ''Evangeline'' and described in moving detail the story of two young lovers separated by the Grand Dérangement and their travels to the land of Louisiana; and

Whereas, for more than two hundred years, the Acadians have lived in the coastal regions of Louisiana, a land Longfellow described as the region ''where reigns perpetual summer, where through the Golden Coast, and groves of orange and citron, sweeps with majestic curve the river away to the eastward ... a maze of sluggish and devious waters ... like a network of steel, extend(ing) in every direction; A land where over their heads the towering and tenebrous boughs of the cypress met in a dusky arch, and trailing mosses in mid-air waved like banners that hang on the walls of ancient cathedrals ... A land where Deathlike the silence seemed, and unbroken, save by the herons home to their roosts in the cedar-trees returning at sunset, Or by the owl, as he greeted the moon with demoniac laughter''; and

Whereas, the children and grandchildren of these Acadians remained somewhat secluded in this region until the early 1900s in the areas of coastal Louisiana and regrettably during the first half of the twentieth century, contempt for the Acadians reemerged within their dear state of Louisiana, and attempts were made to forcibly suppress Cajun culture by measures such as forbidding the use of French in schools; and

Whereas, the indomitable spirit of their French ancestry could not be suppressed, and they prevailed once again and worked hard to overcome the stigma associated with their ethnic heritage and instill pride in their Acadian roots, forming the Council for the Development of French in Louisiana; and

Whereas, it is in the coastal wetlands and prairies of South Louisiana that the Cajuns have not merely endured, not merely survived, but have lived and laughed and cried and built a culture uniquely American with a spiritual richness and time-honored traditions complete with Mardi Gras and king cakes, family togetherness, hard work, plenty of fun, music played with lively fiddles, accordions, spoons, and washboards, and a unique local cuisine of the indigenous species of seafood and animal life with dishes such as etouffee, gumbo, and jambalaya; and

Whereas, these Cajuns have distinguished themselves as hunters, trappers, fishermen, shrimpers, doctors, lawyers, engineers, roustabouts, farmers, priests and preachers, nuns, and missionaries, and in numerous other honorable professions and maintained their religious faith traditions as Protestants and Catholics; and

Whereas, it is here in their homeland of coastal Louisiana that they have endured disasters both natural and man-made; and

Whereas, the eastern and western Cajun regions of Louisiana were among the hardest hit by Hurricane Katrina on August 29, 2005, and Hurricane Rita on September 26, 2005; and

Whereas, in the aftermath of these two natural disasters, again the trumpets sound, and the ill winds blow, for many of the sons and daughters of the Acadians are about to be exiled again, not at the hands of a government demanding allegiance but by the same government to which they have already pledged allegiance and the same government that many of their sons and daughters have fought and even died for; and

Whereas, this exile will be produced as the result of what some who live outside the coastal region of Louisiana suggest is a well-intentioned, reasonable application of the rules and regulations of the National Flood Insurance Program, which if not challenged and changed, will force those who live in many of the areas hardest hit by Hurricanes Katrina and Rita, especially in the southern portion of the parishes of Cameron, Vermilion, St. Mary, Terrebonne, Lafourche, Plaquemines, and St. Bernard, to leave the land of their ancestry, the land of memories, to where they know not, to be finally and forever assimilated into a culture familiar yet strangely foreign to their traditions and way of life; and

Whereas, the effect of these rules and regulations will be to force them to build homes they cannot afford to build, and as a result the land that no one wanted and which was settled by the people no one wanted will now be available only to the wealthiest, if available at all; and

Whereas, a policy with an impact of this magnitude has never been implemented on such a large scale before in the modem history of this nation; and

Whereas, people in California, Washington, Nevada, and Utah who live in earthquake-prone areas were allowed to develop privately funded programs to secure earthquake insurance which is privately provided; and

Whereas, although flood insurance is provided through an agency of the federal government and there is a cost and risk associated with living in coastal regions of Louisiana, these risks in terms of damages due to storm surges caused by hurricanes is not unlike those risks faced by any other community along the Gulf Coast from the Florida Keys to Brownsfield, Texas; and

Whereas, since these rules and regulations make no distinction between risk of damages in flood plains due to storm surges and that caused by flooding resulting from rising waters due to rain and are based primarily on elevation, other communities along the Gulf Coast who are just as vulnerable to damage caused by storm surge are allowed to rebuild in areas next to the beach because the initial elevation of the area is higher than that found in the coastal area of Louisiana. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to direct the Federal Emergency Management Agency to review its recovery policies and programs and to prepare an outline of the social and economic issues involved in the implementation of the rules and regulations of the National Flood Insurance Program as that implementation affects the rebuilding efforts in all coastal Louisiana communities impacted by Hurricanes Katrina and Rita. Be it further

*Resolved*, That this report include any and all suggestions or recommendations as to practical alternatives to such policies to allow for the preservation of the unique culture of coastal Louisiana. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–429. A resolution adopted by the Legislature of the State of Arizona urging Congress to enact legislation to support the designation of a ''National Day of the Cowboy''; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 1046

Whereas, pioneering men and women in Arizona, known as cowboys, helped establish the American West; and

Whereas, the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic and patriotism; and

Whereas, the cowboy spirit exemplifies strength of character, sound family values and good common sense; and

Whereas, the cowboy archetype transcends ethnicity, gender, geographic boundaries and political affiliation; and

Whereas, the cowboy is an excellent steward of the land and its creatures; and

Whereas, the cowboy lives off the land and works to protect and enhance the environment; and

Whereas, cowboy traditions have been part of the American culture for generations; and

Whereas, the cowboy continues to be an important part of the economy, through the work of approximately seven hundred twenty-seven thousand ranchers in all fifty states, and contributes to the well-being of nearly every county in the nation; and

Whereas, annual attendance at professional and working ranch rodeo events exceeds twenty-seven million fans, and the rodeo is the seventh most watched sport in the nation; and

Whereas, membership and participation in rodeo and other organizations that promote and encompass the livelihood of the cowboy spans race, gender and generations; and

Whereas, the cowboy is a central figure in literature, film and music and occupies a central place in the public imagination; and

Whereas, the cowboy is an American icon; and

Whereas, the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged. Therefore be it Resolved, by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the members of the Legislature express support for the designation of a ''National Day of the Cowboy'' and encourage the people of the United States to observe the day with appropriate ceremonies and activities.

2. That the Secretary of State of the State of Arizona transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Arizona Congressional Delegation.

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POM–430. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to increase penalties for any person who knowingly hires, or recruits or refers for a fee, for employment within this state, an individual who is not authorized to work in the United States, or knowingly continues to employ an unauthorized alien; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 63

Whereas, increasing public and congressional attention has been focused on the unauthorized alien population in the United States; and

Whereas, the federal Immigration Reform and Control Act makes all United States employers responsible for verifying the identity and work authorization of all individuals; and

Whereas, the federal government imposes civil penalties for those employers who continue to hire or retain unauthorized aliens; and

Whereas, the Department of Homeland Security reports an estimated eleven million unauthorized aliens living in the United States and an estimated six million of that number are from Mexico; and

Whereas, a large percentage of that number of unauthorized aliens represent the United States civilian labor force; and

Whereas, unauthorized aliens account for thirteen percent of the agriculture industry and twelve percent of the construction industry; and

Whereas, the state of Louisiana is experiencing a drastic increase in the number of unauthorized aliens seeking employment in our state due to the demand of the construction and agriculture industries; and

Whereas, the sovereignty of our state must be protected. THEREFORE, be it

*Resolved*, That the Legislature of Louisiana does hereby urge and request the United States Congress to increase penalties for any person who knowingly hires, or recruits or refers for a fee, for employment within that state, an individual who is not authorized to work in the United States, or who knowingly continues to employ an unauthorized alien. be it further

*Resolved*, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–431. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 148

Whereas, since the establishment of these United States, the policy of this nation is and always will be the support of the men and women who serve in the defense of their country in peace time as well as in times of military conflict; and

Whereas, the Veterans Administration was established by the Congress of these United States to recognize the contributions and service of the men and women of these United States and to provide for their well-being after their service to their country in the military; and

Whereas, the states of these United States in furtherance of this policy established state agencies to further administer to the welfare of our veterans specifically in Louisiana through the Louisiana Department of Veterans Affairs; and

Whereas, to promote and encourage the citizens of our state to participate in providing housing for our military veterans and their dependents, the Legislature of the State of Louisiana recognizes the need to support projects designed to further both the federal and state efforts to provide housing for veterans and their other needs; and

Whereas, the Veterans Village, a nonprofit organization located in Winnsboro, Louisiana, will provide over five hundred housing units for the spouses of our deceased veterans, as well as the veterans who are homeless in the state of Louisiana; and

Whereas, one out of every four homeless people is a citizen who served our nation in the defense of this country and needs assistance in finding adequate housing; and

Whereas, Veterans Village seeks financial support from the Congress of these United States to assist in the development of the Veterans Village in its effort to provide housing for deceased veterans' spouses and those who are homeless; and

Whereas, the House of Representatives of the Legislature of Louisiana desires to acknowledge its support of nonprofit projects like the Veterans Village in Winnsboro, Louisiana, which promotes housing for spouses of our deceased veterans and veterans who are without adequate shelter in our state. Therefore, be it

*Resolved*, That the House of Representatives of the Legislature of Louisiana does hereby request the United States Congress to take such actions as are necessary to appropriate funds to assist the development of the Veterans Village project designed to improve the standard of living of the spouses of our deceased veterans, as well as the homeless veterans living in the state of Louisiana. Be it further

*Resolved*, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to file the appropriate legislation necessary to accomplish this appropriation. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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POM–432. A resolution adopted by the Senate of the State of Louisiana to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 181

Whereas, since the establishment of these United States, the policy of this nation is and always will be the support of the men and women who serve in the defense of their country in peace time as well as in times of military conflict; and

Whereas, the Veterans Administration was established by the Congress of these United States to recognize the contributions and service of the men and women of these United States and to provide for their well-being after their service to their country in the military; and

Whereas, the states of these United States in furtherance of this policy have established state agencies to further administer to the welfare of our veterans, which in Louisiana is the Louisiana Department of Veterans Affairs; and

Whereas, to promote and encourage the citizens of our state to participate in providing housing for our military veterans and their dependents, the Senate of the Legislature of Louisiana hereby recognizes the need to support projects designed to further both the federal and state efforts to provide housing for veterans and their other needs; and

Whereas, the Veterans Village, a nonprofit organization located in Winnsboro, Louisiana, will provide over five hundred housing units for the spouses of our deceased veterans, as well as the veterans who are homeless in the state of Louisiana; and

Whereas, one out of every four homeless people is a citizen who have served our nation in the defense of this country and need assistance in finding adequate housing; and

Whereas, Veterans Village seeks financial support from the Congress of these United States to assist in the development of the Veterans Village in its effort to provide housing for deceased veterans' spouses and those who are homeless; and

Whereas, the Senate of the Legislature of Louisiana desires to acknowledge its support of nonprofit projects like the Veterans Village in Winnsboro, Louisiana, which promotes housing for spouses of our deceased veterans and veterans who are without adequate shelter in our state. Therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana hereby memorializes the Congress of the United States to take such actions as are necessary to appropriate funds to assist the development of the Veterans Village project designed to improve the standard of living of the spouses of our deceased veterans, as well as the homeless veterans living in the state of Louisiana. Be it further

*Resolved*, That the Senate of the Legislature of Louisiana does hereby urge and request the members of the United States Congress from Louisiana to take the proper steps to obtain such appropriation. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

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POM–433. A message from the Canadian Parliament extending best wishes to the United States Congress and the people of the United States of America on the anniversary of the independence of the United States of America on July 4, 2008; to the Committee on Foreign Relations.

POM–434. A resolution adopted by the City of Miami Beach City Commission Meeting of June 25, 2008, urging Congress to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 4210. A bill to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 5477. A bill to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. A bill to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. A bill to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. A bill to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. A bill to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho

Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. A bill to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

S. 3241. A bill to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Anthony C. Epstein, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*James A. Williams, of Virginia, to be Administrator of General Services.

*Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

*Heidi M. Pasichow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER:

S. 3363. A bill to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. COCHRAN):

S. 3364. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3365. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for long-term care insurance premiums; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. STABENOW, Ms. COLLINS, Mr. CARDIN, and Mr. MARTINEZ):

S. 3366. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative plant species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself, Mr. WYDEN, Mr. INOUYE, Mr. TESTER, Mr. SANDERS, Mr. BARRASSO, and Mr. COCHRAN):

S. 3367. A bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program; to the Committee on Finance.

By Mr. BROWN (for himself and Ms. SNOWE):

S. 3368. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. MENENDEZ, and Mr. KERRY):

S. 3369. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mr. CARDIN, Ms. LANDRIEU, Ms. SNOWE, Mr. KERRY, Mr. BROWNBACK, and Mr. JOHNSON):

S. Res. 632. A resolution calling on the Governments of the People's Republic of China and the international community to use the upcoming Olympic Games as an opportunity to push for the parties to the conflicts in Sudan, Chad, and the Central African Republic to cease hostilities and revive efforts toward a peaceful resolution of their national and regional conflicts; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. BUNNING):

S. Res. 633. A resolution expressing the sense of the Senate on the deterioration of respect for privacy and human rights in the People's Republic of China before the 2008 Olympic Games in Beijing; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, Mr. KERRY, Mr. SANDERS, Mrs. LINCOLN, Ms. STABENOW, Mr. ROBERTS, Mrs. DOLE, Mr. PRYOR, Mr. SMITH, Mr. JOHNSON, Mrs. CLINTON, and Mr. FEINGOLD):

S. Res. 634. A resolution recognizing July 30, 2008, as the 40th anniversary of the enactment of the resolution establishing the Senate Select Committee on Nutrition and Human Needs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCONNELL:

S. Res. 635. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1870

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1870, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 2367

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2367, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3127

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3127, a bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories.

S. 3164

At the request of Mr. MARTINEZ, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3164, a bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3199

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3199, a bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax.

S. 3217

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3217, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 3242

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3242, a bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes.

S. 3251

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3251, a bill to amend the Federal Crop Insurance Act and the Trade Act of 1974 to authorize advance payments under the supplemental revenue assistance program.

S. 3263

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3263, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 3299

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3299, a bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages.

S. 3323

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3323, a bill to provide weatherization and home heating assistance to low income households, and to provide a heating oil tax credit for middle income households.

S. 3329

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3329, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

S. 3331

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3337

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''.

S. RES. 551

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 618

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. RES. 624

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 624, a resolution designating August 2008 as ''National Truancy Prevention Month''.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 624, supra.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 627

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

S. RES. 630

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 630, a resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. STABENOW, Ms. COLLINS, Mr. CARDIN, and Mr. MARTINEZ):

S. 3366. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative plant species, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that will address the growing harm that nonnative or ''invasive'' species are inflicting on the wildlife and environment of our National Wildlife Refuge System.

In 1903, President Theodore Roosevelt issued an executive order that designated Pelican Island, located in my home State of Florida, as a Federal bird reservation. This designation was intended to protect the numerous species of waterfowl that called Indian River Lagoon and Pelican Island home, including the last known brown pelican rookery on the East Coast of Florida. President Roosevelt's action marked the first time that our Federal Government set aside land for the sake of wildlife.

In the century that followed, the Pelican Island reservation, 27 additional sites in Florida, and other areas nationwide were set aside by the Federal Government and grew into a vast network that is now the National Wildlife Refuge System. Today, this system is comprised of 540 wildlife refuges and 3,000 waterfowl production areas, spanning 95 million miles across all 50 States and several U.S. territories. These refuges are home to 700 bird species, more than 200 mammal species, 250 reptile and amphibian species, and more than 200 types of fish—including one-fourth of all federally recognized threatened and endangered species. The habitat afforded by our refuges will become even more critical to the survival of wildlife, which is already being forced to adapt to a rapidly changing climate.

As if encroaching human development, water and air pollution, and climate change weren't great enough challenges, our wildlife refuges and other protected areas are also threatened by a more insidious and persistent problem: invasive species. These nonnative plant and animal species compete for habitat, food, and other resources that are essential to native wildlife, including endangered and threatened species.

According to the Florida Fish and Wildlife Conservation Commission, over 400 nonnative animals and nearly 1,200 exotic plant species have been documented in the State, with more arriving each day. The old world climbing fern, Lygodium, poses a greater threat than any other nonnative plant to south Florida's natural areas, including one of our national treasures, the Everglades. This plant currently infests over 70 percent of the Arthur R. Marshall Loxahatchee National Wildlife Refuge near Boyton Beach, Florida. The Everglades' tree islands, which are a unique and extremely rare habitat for nesting wading birds and terrestrial wildlife, are particularly vulnerable to Lygodium. This invader first surrounds the islands' hardwood trees and dry ground, then grows over the tree canopy, and eventually smothers the native plants. This process essentially eliminates all of the ecological services that the tree islands once provided to native wildlife.

The threats posed by nonnative species are not confined to my home State of Florida—this is truly a national problem. According to the U.S. Fish and Wildlife Service, invasive species are one of the most significant problems facing the National Wildlife Refuge System. Resource managers cite nonnative species as the single greatest threat to the refuges' biological and ecological functions, and as one of their most pressing management challenges. Currently, experts estimate that nonnative plant species infest more than 2 million acres in the Refuge System, and that nearly 4,500 invasive animal populations are established.

Efforts are underway to control or eradicate harmful, nonnative species in our wildlife refuges and other conservation areas. For example, the Fish and Wildlife Service treated 2,500 acres of Lygodium on tree islands in the Loxahatchee National Wildlife Refuge in fiscal year 2006. The South Florida Water Management District has partnered with the U.S. Department of Agriculture's Agricultural Research Service to develop a sustained population of natural enemies, known as biological controls, to reduce the spread of invasive plants. The district has funded a biological control program for Lygodium since 1997, and has been working to find a natural enemy for the Brazilian pepper, one of the most noxious, widespread weeds in Florida. Projects like these are having a positive impact on the Everglades restoration, and show why it is important that all levels of government work together to combat harmful, nonnative species.

While these and other invasive species control efforts have yielded promising results, the job is far from complete. In the current fiscal year, approximately $8.7 million was budgeted for treatment and control of nonnative plants in the Refuge System. That may sound like a lot of money, but it represents a mere drop in the bucket: the Fish and Wildlife Service estimates that the total cost of managing invasive species on refuges nationwide is in excess of $300 million. Clearly, we need to dramatically increase the resources we devote to combating harmful, nonnative species if we expect our refuges to fulfill the wildlife conservation purposes for which they were set aside.

That is why I have worked with Senators STABENOW, COLLINS, CARDIN, and MARTINEZ to develop and introduce the Refuge Ecology Protection, Assistance, and Immediate Response Act, or REPAIR Act. The primary purpose of this act is to protect, enhance, and restore habitats for native fish and wildlife within the National Wildlife Refuge System. The REPAIR Act would establish within the Fish and Wildlife Service a grant program to support projects to assess, monitor, and manage harmful, nonnative species.

Specifically, REPAIR grants would be available to States, tribes, and territories to assess invasive plant and animal species that may threaten refuge resources, and to prioritize restorations needs and activities. Grants would also be available to State and local governments, universities, conservation organizations, and others to implement control projects to eradicate harmful, nonnative plants on refuges and adjoining, nonfederal lands and waters. Volunteer and public-interest groups would also be eligible for grants to conduct habitat surveys and monitor invasive plant and animal species. The REPAIR Act would also give the Secretary of the Interior the authority to provide financial assistance to States to respond quickly to outbreaks of invasive plants at a stage when complete eradication is possible and more affordable.

The Fish and Wildlife Service would be responsible for awarding REPAIR grants on a peer-reviewed, competitive

basis. For control projects, we establish numerous criteria that give priority to efforts that aid threatened and endangered species, encourage increased coordination among Federal, State, and local agencies, nongovernmental groups, and private entities, and that contain a comprehensive plan to prevent reintroduction of target species. All projects include monitoring and reporting elements, with oversight provided by the Fish and Wildlife Service. These provisions will help ensure that we achieve the greatest return on our investments to restore and maintain native habitat in the National Wildlife Refuge System.

The assessments and control projects authorized by the REPAIR Act will most certainly be of benefit to native wildlife living in and around our refuges, including the numerous threatened and endangered species that we have worked hard to protect. The restoration and preservation of native habitats and wildlife provided by the REPAIR Act will also benefit the 37 million people who visit our refuges each year and take advantage of fishing, hunting, and other recreational and educational opportunities that these special places provide.

In closing, I would like to recognize the efforts of Congressman RON KIND of Wisconsin, who introduced and championed the REPAIR Act in the U.S. House of Representatives. The House passed this important legislation in October of last year. I hope that we can find a way for the companion measure that I introduced today to pass the Senate and become the law of the land. I look forward to working with Chairman BOXER and the other members of the Senate Committee on Environment and Public Works to debate this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3366

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Refuge Ecology Protection, Assistance, and Immediate Response Act''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The National Wildlife Refuge System is the premier land conservation system in the world.

(2) Harmful nonnative species are the leading cause of habitat destruction in national wildlife refuges.

(3) More than 675 known harmful nonnative species are found in the National Wildlife Refuge System.

(4) Nearly 8,000,000 acres of the National Wildlife Refuge System contain harmful nonnative species.

(5) The cost of early identification and removal of harmful nonnative species is dramatically lower than removing an established invasive population.

(6) The cost of the backlog of harmful nonnative species control projects that need to be carried out in the National Wildlife Refuge System is over $361,000,000, and the failure to carry out such projects threatens the ability of the System to fulfill its basic mission.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among the United States Fish and Wildlife Service, other Federal agencies, States, Indian tribes, and other interests for the following objectives:

(1) To protect, enhance, restore, and manage a diversity of habitats for native fish and wildlife resources within the National Wildlife Refuge System through monitoring and management of harmful nonnative species, including control of harmful nonnative plant species.

(2) To promote the development of voluntary State assessments to establish priorities for controlling harmful nonnative plant and animal species that threaten or negatively impact refuge resources.

(3) To promote greater cooperation among Federal, State, and local land and water managers, and owners of private land, water rights, or other interests, to implement ecologically based strategies to eradicate, mitigate, and control harmful nonnative plant species that threaten or negatively impact refuge resources through a voluntary and incentive-based financial assistance grant program.

(4) To establish an immediate response capability to combat incipient harmful nonnative plant species invasions.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate Committees'' means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(2) CONTROL.—The term ''control'' means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species from areas where they are present; taking steps to detect early infestations on at-risk native habitats; and restoring native species and habitats to reduce the effects of harmful nonnative species.

(3) ENVIRONMENTAL SOUNDNESS.—The term ''environmental soundness'' means the extent of inclusion of methods, efforts, actions, or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(4) HARMFUL NONNATIVE SPECIES.—The term ''harmful nonnative species'' means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATIONAL MANAGEMENT PLAN.—The term ''National Management Plan'' means the management plan referred to in section 5 of Executive Order No. 13112 of February 3, 1999, and entitled ''Meeting the Invasive Species Challenge''.

(7) REFUGE RESOURCES.—The term ''refuge resources'' means all land and water, including the fish and wildlife species and the ecosystems and habitats therein, that are owned, leased, managed through easement or cooperative agreement, or otherwise managed by the by the Federal Government through the United States Fish and Wildlife Service and located within the National Wildlife Refuge System administered under the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.), including any waterfowl production area.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(9) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

**SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE (REPAIR) GRANT PROGRAM.**

(a) IN GENERAL.—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified plant control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project consistent with relevant State plans that have been developed in whole or in part for the conservation of native fish, wildlife, and their habitats, and in accordance with this section, to—

(A) identify harmful nonnative plant and animal species that occur in the State that threaten or negatively impact refuge resources;

(B) assess the needs to restore, manage, or enhance native fish and wildlife and their natural habitats and processes in the State to compliment activities to control, mitigate, or eradicate harmful nonnative plant and animal species negatively impacting refuge resources;

(C) identify priorities for actions to address such needs;

(D) identify mechanisms to increase capacity building in a State or across State lines to conserve and protect native fish and wildlife and their habitats and to detect and control harmful nonnative plant and animal species that might threaten or negatively impact refuge resources within the State; and

(E) incorporate, where applicable and to the extent consistent with this Act, the guidelines of the National Management Plan.

The grant program under this section shall be known as the ''Refuge Ecology Protection, Assistance, and Immediate Response Grant Program'' or the ''REPAIR Program''.

(b) FUNCTIONS OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) publish guidelines for and solicit applications for grants under this section not later than 6 months after the date of enactment of this Act; and

(B) receive, review, evaluate, and approve applications for grants under this section.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) ELIGIBLE APPLICANT.—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, university, conservation organization, or private person;

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project; and

(3) have entered into an agreement with the Secretary or a designee of the Secretary,

for a national wildlife refuge or refuge complex.

(d) QUALIFIED CONTROL PROJECT.—

(1) IN GENERAL.—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative plant species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative plant species after the completion of the project, that is consistent with standards for monitoring developed under subsection (i);

(C) be conducted in partnership with a national wildlife refuge or refuge complex;

(D) be conducted on land or water, other than national wildlife refuge land or water, that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section, on land or water on which the eligible applicant has permission to conduct the project, or on adjacent national wildlife refuge land or water administered by the United States Fish and Wildlife Service referred to in subparagraph (C); and

(E) encourage public notice and outreach on control project activities in the affected community.

(2) OTHER FACTORS FOR SELECTION OF PROJECTS.—In ranking qualified control projects, the Director may consider the following:

(A) The extent to which a project would address the operational and maintenance backlog attributed to harmful nonnative plant species on refuge resources.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative plant species threatening or negatively impacting refuge resources.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species or national wildlife refuge lands or non-Federal lands in proximity to refuge resources.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) The extent to which a project would aid the conservation of—

(i) species listed by the United States Fish and Wildlife Service as birds of management concern; and

(ii) species identified by the Director of the United States Fish and Wildlife Service as imperiled or at-risk species.

(F) The extent to which a project would aid the conservation of species identified as a ''Species of Greatest Conservation Need'' in a comprehensive wildlife conservation plan developed under the State wildlife grants program.

(G) The extent to which a project would contribute to the restoration and protection of terrestrial, freshwater aquatic, estuarine, coastal, and marine ecosystems, such as the Everglades, the Great Lakes, and the Mississippi River, that are determined to be priorities by the Director of the United States Fish and Wildlife Service.

(H) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness and reduced environmental risks when controlling harmful nonnative plant species.

(I) The extent to which a project minimizes adverse impacts of control methods on ecosystems affected by the project.

(J) Whether a project includes a comprehensive plan to prevent reintroduction of harmful nonnative plant species controlled by the project.

(e) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all regions and States within which such projects are proposed to be conducted.

(f) GRANT DURATION.—

(1) IN GENERAL.—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) RENEWAL.—

(A) IN GENERAL.—If the Secretary, after reviewing the reports under subsection (g) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) MONITORING AND MAINTENANCE PLAN.—The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (d)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(g) REPORTING BY GRANTEE.—

(1) CONTROL PROJECTS; ASSESSMENT PROJECTS.—

(A) CONTROL PROJECTS.—A grantee carrying out a control project with a grant under this section shall report to the Secretary every 24 months or at the expiration of the grant, whichever is of shorter duration.

(B) ASSESSMENT PROJECTS.—A State carrying out an assessment project with a grant under this section shall submit the assessment pursuant to subsection (a)(2) to the Secretary no later than 24 months after the date on which the grant is awarded.

(2) REPORT CONTENTS.—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (j)(2);

(ii) specific information on the methods and techniques used to control harmful nonnative plant species in the project area; and

(iii) specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

(3) INTERIM UPDATE.—Each grantee under paragraph (1)(A) shall also submit annually to the Secretary a brief synopsis and chronological list of projects showing progress as a percentage of completion and use of awarded funds.

(h) COST SHARING FOR PROJECTS.—

(1) FEDERAL SHARE.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this section shall not exceed 75 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a control project any pilot testing or a demonstration of an innovative technology described in subsection (d)(2)(H) shall be 85 percent.

(3) PROJECTS ON REFUGE LANDS OR WATERS.—The Federal share of the cost of the portion of a control project funded with a grant under this section that is carried out on national wildlife refuge lands or waters, including the cost of acquisition by the Federal Government of lands or waters for use for such a project, shall be 100 percent.

(4) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this section the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(5) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(i) MONITORING AND MAINTENANCE OF CONTROL GRANT PROJECTS.—

(1) REQUIREMENTS.—The Secretary shall develop requirements for the monitoring and maintenance of a control project to ensure that the requirements under subparagraphs (A) and (B) of subsection (d)(1) are achieved.

(2) DATABASE OF GRANT PROJECT INFORMATION.—The Secretary shall develop and maintain an appropriate database of information concerning control projects carried out with grants under this subsection, including information on project techniques, project completion, monitoring data, and other relevant information.

(3) USE OF EXISTING PROGRAMS.—The Secretary shall use existing programs within the Department of the Interior to create and maintain the database required under this subsection.

(4) PUBLIC AVAILABILITY.—The Secretary shall make the information collected and maintained under this subsection available to the public.

(j) REPORTING BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by not later than 3 years after the date of the enactment of this Act and biennially thereafter in the report under section 8, report to the appropriate Committees on the implementation of this section.

(2) REPORT CONTENTS.—A report under paragraph (1) shall include an assessment of—

(A) trends in the population size and distribution of harmful nonnative plant species in the project area for each control project carried out with a grant under this section, and in the adjacent areas as defined by the Secretary;

(B) data on the number of acres of refuge resources and native fish and wildlife habitat restored, protected, or enhanced under this section, including descriptions of, and partners involved with, control projects selected, in progress, and completed under this section;

(C) trends in the population size and distribution in the project areas of native species targeted for restoration, and in areas in proximity to refuge resources as defined by the Secretary;

(D) an estimate of the long-term success of varying conservation techniques used in carrying out control projects with grants under this section;

(E) an assessment of the status of control projects carried out with grants under this section, including an accounting of expenditures by the United States Fish and Wildlife Service, State, regional, and local government agencies, and other entities to carry out such projects;

(F) a review of the environmental soundness of the control projects carried out with grants under this section;

(G) a review of efforts made to maintain an appropriate database of grants under this section; and

(H) a review of the geographical distribution of Federal money, matching funds, and in-kind contributions for control projects carried out with grants under this section.

(k) COOPERATION OF NON-FEDERAL INTERESTS.—The Secretary may not make a grant under this section for a control project on national wildlife refuge lands or lands in proximity to refuge resources before a non-Federal interest has entered into a written agreement with a national wildlife refuge or refuge complex under which the non-Federal interest agrees to—

(1) monitor and maintain the control project in accordance with the plan required under subsection (d)(1)(B); and

(2) provide any other items of cooperation the Secretary considers necessary to carry out the project.

**SEC. 5. CREATION OF AN IMMEDIATE RESPONSE CAPABILITY TO HARMFUL NONNATIVE SPECIES.**

(a) ESTABLISHMENT.—The Secretary may provide financial assistance for a period of not more than 3 fiscal years to enable an immediate response to outbreaks of harmful nonnative plant species that threaten or may negatively impact refuge resources that are at a stage at which rapid eradication or control is possible, and ensure eradication or immediate control of the harmful nonnative plant species.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary, after consulting with the Governor of the State, shall provide assistance under this section to local and State agencies, universities, or nongovernmental entities for the eradication of an immediate harmful nonnative plant species threat only if—

(1) there is a demonstrated need for the assistance;

(2) the harmful nonnative plant species is considered to be an immediate threat to refuge resources, as determined by the Secretary; and

(3) the proposed response to such threat—

(A) is technically feasible; and

(B) minimizes adverse impacts to the structure and function of national wildlife refuge ecosystems and adverse effects on nontarget species.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—The Secretary shall determine the amount of financial assistance to be provided under this section with respect to an outbreak of a harmful nonnative species, subject to the availability of appropriations.

(d) COST SHARE.—The Federal share of the cost of any activity carried out with assistance under this section may be up to 100 percent.

(e) MONITORING AND REPORTING.—The Secretary shall require that persons receiving assistance under this section monitor and report on activities carried out with assistance under this section in accordance with the requirements that apply with respect to control projects carried out with assistance under section 4.

**SEC. 6. COOPERATIVE VOLUNTEER HARMFUL NONNATIVE SPECIES MONITORING AND CONTROL PROGRAM.**

(a) IN GENERAL.—Consistent with the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Public Law 105–242), the Secretary shall establish a cooperative volunteer monitoring and control program to administer and coordinate projects implemented by partner organizations concerned with national wildlife refuges to address harmful nonnative species that threaten national wildlife refuges or adjacent lands.

(b) ELIGIBLE ACTIVITIES.—Each project administered and coordinated under this section shall include 1 of the following activities:

(1) Habitat surveys.

(2) Detection and identification of new introductions or infestations of harmful nonnative plant and animal species.

(3) Harmful nonnative plant species control projects.

(4) Public education and outreach to increase awareness concerning harmful nonnative species and their threat to the refuge system.

**SEC. 7. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of State statute or regulation relating to the management of fish and wildlife resources within such State.

**SEC. 8. BIENNIAL REPORT.**

Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall prepare and submit to Congress and the National Invasive Species Council—

(1) a comprehensive report summarizing all grant activities relating to invasive species initiated under this Act including—

(A) State assessment projects;

(B) qualified control projects;

(C) immediate response activities; and

(D) projects identified in the Refuge Operations Needs database or the Service Asset and Maintenance Management System database of the United States Fish and Wildlife Service;

(2) a list of grant priorities, ranked in high, medium, and low categories, for future grant activities in the areas of—

(A) early detection and rapid response;

(B) control, management, and restoration;

(C) research and monitoring;

(D) information management; and

(E) public outreach and partnership efforts; and

(3) information required to be included under section 4(k).

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) ALLOWANCE FOR IMMEDIATE RESPONSE.—Of the amounts appropriated to carry out this Act no more than 25 percent shall be available in any fiscal year for financial assistance under section 5.

(c) CONTINUING AVAILABILITY.—Amounts appropriated under this Act may remain available until expended.

(d) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or up to $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

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By Mr. SMITH (for himself, Mr. WYDEN, Mr. INOUYE, Mr. TESTER, Mr. SANDERS, Mr. BARRASSO, and Mr. COCHRAN):

S. 3367. A bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to recognize an outstanding health care hero from Oregon, Maria Loredo. Through her hard work and tireless dedication to her community, Maria has played a critical role in creating access to health care for those in need in Washington County, OR.

Maria Loredo is the chief operating officer for the Virginia Garcia Memorial Health Center, named for a 6-year-old migrant farmworker girl who moved from Mission, TX, to work with her family in Washington County's strawberry harvest. Tragically, Virginia Garcia died from a simple foot wound, but her death inspired a committed group of individuals to improve health care access in the community.

Like 6-year-old Virginia Garcia, Maria Loredo also hails from Mission, TX, and as a young person worked with her family throughout Texas following crops. Eventually the family migrated to Oregon and settled there in 1966. Maria began her work with the fledgling Virginia Garcia Clinic in 1978 when it was only 3 years old. Her own experience as a migrant worker has helped her develop the programs and services of the clinic so that they are most effective in reaching the farmworker community.

Maria has been instrumental in growing the health center from a clinic operating out of a three-car garage to an organization with four primary care clinics serving over 30,000 people in Washington and Yamhill Counties, OR. Her commitment to the community has enabled the organization to develop a farmworker outreach program that operates from a mobile clinic and provides medical and dental services in over 20 migrant camps throughout the region.

In her role as chief operating officer, Maria has helped establish clinics in McMinnville, Hillsboro, and Beaverton serving a diverse community that includes patients who not only speak English and Spanish, but Vietnamese, Russian, Swahili, Chinese, and Farsi.

She has helped Virginia Garcia develop critically needed dental, pharmacy, and behavioral health care with an integrated approach to health care delivery that always remains sensitive to the language and cultural background of the patients. Most recently, Maria has helped pave the way to a new access point at the Tigard School Based Clinic and also to the implementation of electronic health records.

While working full-time developing Virginia Garcia's programs, Maria found time to pursue her education and graduated with her B.A. from Portland State University in 2003. Once a migrant worker, she has gone on to not only serve her community, but inspire others to achieve a better, healthier life for themselves and their children.

Because she has dedicated the last 30 years of her life to the mission of the Virginia Garcia Memorial Health Center and made a significant difference in the lives of so many, I recognize her as an Oregon health care hero and thank her for her ongoing work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3367

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

**SECTION 1. REVISION OF THE TIMEFRAME FOR THE RECOGNITION OF CERTAIN DESIGNATIONS IN CERTIFYING RURAL HEALTH CLINICS UNDER THE MEDICARE PROGRAM.**

(a) IN GENERAL.—The second sentence of section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)) is amended by striking ''3-year period'' and inserting ''4-year period'' in the matter in clause (i) preceding subclause (I).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

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By Mr. BROWN (for himself and Ms. SNOWE):

S. 3368. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, Senator SNOWE of Maine and I are introducing a workforce development bill—the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

Over the last 16 months, I have held 110 roundtable discussions in communities all over Ohio.

One of the themes that have recurred in the roundtables—from workers and employers, business and labor, teachers and professors—is that we need to do a better job connecting workers with the middle and high skills needed for careers that are growing in Ohio.

Today, Ohio has an unemployment rate above the national average. It was 6.3 percent in June.

Between 2000 and 2007, Ohio experienced a 24.3 percent drop in manufacturing employment, shedding nearly 230,000 jobs. Overall employment dropped by nearly 3.6 percent in the same time period.

That said, employers throughout the state talk about jobs gone begging, and not being able to fill middle and high skilled positions. There are open jobs in high-tech, healthcare, and even manufacturing that are going unfilled.

A recent report by labor economists Harry Holzer and Robert Lerman found that substantial demand remains in today's labor market for skilled workers. This is particularly true for ''middle-skill'' jobs that require more than a high school degree but less than a 4-year college degree. These jobs make up nearly half of America's labor market and provide good compensation for workers.

The approach Senator SNOWE and I take in this bill is to organize training around industry clusters.

Silicon Valley, the Research Triangle in North Carolina, Route 128 around Boston—these are examples of clusters.

But it is not just high tech jobs either.

Think of tourism in Florida, or insurance in Connecticut, or food packaging in Pennsylvania. These are successful clusters that build around a skilled labor force.

The Ohio Workforce Board has compiled great information about emerging industries and skills programs needed to see people fill these jobs.

Ohio Governor Ted Strickland and Chancellor Eric Fingerhut are giving workforce training a high priority.

This bill complements those efforts, and builds on great examples of cluster partnerships around the country.

The National Governors Association has been promoting this model, and it really will be the way we successfully train our workers and promote regional economic development.

Nobody wants lack of training to be the constraint on Ohio's economic growth.

So the SECTORS Act focuses on targeted training, with multiple stakeholders in the same industry. The bill right now requires four principal stakeholders to be part of a training program: industry, labor unions, workforce investment boards, and community colleges.

We want to build in a process that makes a training program sustainable and not just a one-time infusion of money. With that in mind, Senator SNOWE and I have written in our bill a matching funds requirement.

The legislation builds in rigorous evaluation so lawmakers and policymakers know how tax dollars are being spent, something that has not been the cause under President Bush's Department of Labor's training initiatives.

The Government Accountability Office found in May 2008 that the Labor Department's demand-driven workforce training programs have often been awarded through a non-competitive process, and have lacked accountability and evaluation so that Americans know how their tax dollars are being spent.

We need to break clean from this approach. I plan to work with Senator SNOWE and colleagues in both chambers to authorize an industry clusters skills training program that builds in accountability and sustainability, and helps workers and businesses thrive in Ohio, Maine, and throughout the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3368

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Strengthening Employment Clusters to Organize Regional Success Act of 2008'' or the ''SECTORS Act of 2008''.

**SEC. 2. INDUSTRY OR SECTOR PARTNERSHIP GRANT.**

Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 174 the following:

**''SEC. 174A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.**

''(a) PURPOSE.—It is the purpose of this section to create designated capacity to promote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters, including by developing—

''(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

''(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

''(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

''(4) cross-firm skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities that facilitate the advancement of workers at all skill levels.

''(b) DEFINITIONS.—In this section:

''(1) CAREER LADDER.—The term 'career ladder' means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

''(2) ECONOMIC SELF-SUFFICIENCY.—The term 'economic self-sufficiency' means, with respect to a worker, earning a wage sufficient to support a family adequately, based on factors such as—

''(A) family size;

''(B) the number and ages of children in the family;

''(C) the cost of living in the worker's community; and

''(D) other factors that may vary by region.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an industry or sector partnership; or

''(B) an eligible State agency.

''(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency designated by the Governor of the State for the purposes of the grant program under this section.

''(5) HIGH-PRIORITY OCCUPATION.—The term 'high-priority occupation' means an occupation that—

''(A) has a significant presence in an industry cluster;

''(B) is in demand by employers;

''(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

''(D) has a documented career ladder; and

''(E) has a significant impact on a region's economic development strategy.

''(6) HIGH ROAD EMPLOYER.—The term 'high road employer' means an employer interested in advancing workers through processes and investments in education, training, and research and development.

''(7) INDUSTRY CLUSTER.—The term 'industry cluster' means a concentration of interconnected businesses, suppliers, service providers, and associated institutions in a particular field that are linked by common workforce needs.

''(8) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that—

''(A) organizes key stakeholders in a targeted industry cluster into a working group that focuses on the human capital needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

''(i) representatives of multiple firms or employers, including workers, in a targeted industry cluster, including small- and medium-sized employers when practicable;

''(ii) 1 or more representatives of State labor organizations or central labor coalitions;

''(iii) 1 or more representatives of local boards;

''(iv) 1 or more representatives of postsecondary educational institutions or other training providers; and

''(v) 1 or more representatives of State workforce agencies or other entities providing employment services; and

''(B) may include representatives of—

''(i) State or local government;

''(ii) State or local economic development agencies;

''(iii) other State or local agencies;

''(iv) chambers of commerce;

''(v) nonprofit organizations;

''(vi) industry associations; and

''(vii) other organizations, as determined necessary by the members comprising the industry or sector partnership.

''(9) TARGETED INDUSTRY CLUSTER.—The term 'targeted industry cluster' means an industry cluster that has—

''(A) economic impact in a local or regional area;

''(B) immediate workforce development needs; and

''(C) documented career opportunities.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall award, on a competitive basis, planning grants described in paragraph (3) and implementation grants described in paragraph (4) to eligible entities, to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (f).

''(2) MAXIMUM AMOUNT.—

''(A) PLANNING GRANTS.—A planning grant awarded under paragraph (3) shall not exceed $250,000.

''(B) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (4)(A) shall not exceed a total of $2,500,000 for a 3-year period.

''(C) RENEWAL GRANTS.—A renewal grant awarded under paragraph (4)(C) shall not exceed a total of $1,500,000 for a 3-year period.

''(3) PLANNING GRANTS.—

''(A) IN GENERAL.—The Secretary may award a planning grant under this section to an eligible entity that—

''(i) is a newly formed industry or sector partnership; and

''(ii) has not received a grant under this section.

''(B) DURATION.—A planning grant shall be for a duration of 1 year.

''(4) IMPLEMENTATION GRANTS.—

''(A) IN GENERAL.—The Secretary may award an implementation grant under this section to—

''(i) an eligible entity that has already received a planning grant under this section; or

''(ii) an eligible entity that is an established industry or sector partnership.

''(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

''(C) RENEWAL.—The Secretary may renew an implementation grant for not more than 3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

''(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section;

''(ii) as a condition of renewing the grant, and notwithstanding subsection (d), decrease the amount of the Federal share and increase the amount of the non-Federal share required for the grant, which must include at least a 25 percent cash match from the State, the industry cluster, or some combination thereof; and

''(iii) require assurances that the eligible entity will leverage, each year, additional funding sources in accordance with subparagraph (D)(ii) than the eligible entity provided for the preceding year of the grant.

''(D) FEDERAL AND NON-FEDERAL SHARE.—

''(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii), the Federal share of an implementation grant under this section shall be—

''(I) 90 percent of the costs of the activities described in subsection (g), in the first year of the grant;

''(II) 80 percent of such costs in the second year of the grant; and

''(III) 70 percent of such costs in the third year of the grant.

''(ii) NON-FEDERAL.—The non-Federal share of an implementation grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

''(5) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

''(6) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a planning grant, implementation grant, or a renewal grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

''(d) APPLICATION PROCESS.—

''(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

''(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

''(i) data showing the competitiveness of the industry cluster;

''(ii) the importance of the industry cluster to the economic development of the area served by the eligible entity;

''(iii) the identification of supply and distribution chains within the industry cluster; and

''(iv) research studies on industry clusters; and

''(B) working with appropriate employment agencies, workforce investment boards, economic development agencies, community organizations, and other organizations that the eligible entity determines necessary to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

''(i) Demonstrated demand for job growth potential.

''(ii) Competitiveness.

''(iii) Employment base.

''(iv) Wages and benefits.

''(v) Demonstrated importance of the targeted industry cluster to the area's economy.

''(vi) Workforce development needs.

''(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

''(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and, if the eligible entity is an industry or sector partnership, a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

''(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

''(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

''(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

''(i) recruiting key stakeholders in the targeted industry cluster, such as businesses and employers, labor organizations, industry associations, local boards, State boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

''(ii) identifying the training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation to the targeted industry cluster;

''(iii) facilitating economies of scale by aggregating training and education needs of multiple employers;

''(iv) helping postsecondary educational institutions and training institutions align curricula and programs to industry demand, particularly for higher skill, high-priority occupations validated by the industry;

''(v) ensuring that the State agency that administers the Wagner-Peyser Act program shall inform recipients of unemployment insurance and trade adjustment assistance under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2401 et seq.) of the job and training opportunities that may result from the implementation of this grant;

''(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults as defined in section 132(b)(1)(B)(v) and disadvantaged youth as defined in section 127(b) to careers;

''(vii) helping companies identify, and work together to address, common organizational and human resource challenges, such as—

''(I) recruiting new workers;

''(II) implementing effective workplace practices;

''(III) retaining dislocated and incumbent workers;

''(IV) implementing a high-performance work organization;

''(V) recruiting and retaining women in nontraditional occupations;

''(VI) adopting new technologies; and

''(VII) fostering experiential and contextualized on-the-job learning;

''(viii) developing and strengthening career ladders within and across companies (in cooperation with labor organizations if the labor organizations represent employees engaged in similar work in the industry cluster), in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

''(ix) improving job quality through improving wages, benefits, and working conditions;

''(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are economically disadvantaged, youth, older workers, and individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

''(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

''(E) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives described in subparagraph (D).

''(F) Performance measures, with quantifiable benchmarks, for measuring progress toward the strategic objectives. Such measures shall consider, at a minimum, the benefits provided by the grant activities funded under this section for—

''(i) workers employed in the targeted industry cluster, disaggregated by gender and race, including—

''(I) the number of workers receiving portable industry-recognized credentials;

''(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

''(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

''(ii) firms and industries in the targeted industry cluster, including—

''(I) the creation or updating of an industry plan to meet current and future workforce demand;

''(II) the creation or updating of published industry-wide skill standards or career pathways;

''(III) the creation or updating of portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that can lead to the development of such a credential;

''(IV) in the case of an eligible entity that is an industry or sector partnership, the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

''(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

''(G) A timeline for achieving progress toward the strategic objectives.

''(H) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (d), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

''(i) funding under this title used for such training and supportive services;

''(ii) funding under the Adult Education and Family Literacy Act of 1998 (20 U.S.C. 9201 et seq.);

''(iii) funding under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

''(iv) economic development funding;

''(v) employer contributions to training initiatives; or

''(vi) providing employees with employee release time for such training or supportive services.

''(e) AWARD BASIS.—

''(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

''(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(A) work with high road employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

''(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

''(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms; and

''(D) coordinate with entities carrying out State and local workforce investment, economic development, and education activities.

''(f) ACTIVITIES.—

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives described in the entity's application in a manner that—

''(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

''(B) uses grant funds awarded under this section efficiently.

''(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 10 percent of the grant amount.

''(g) EVALUATION AND PROGRESS REPORTS.—

''(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter, an eligible entity shall—

''(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

''(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(F).

''(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in subparagraph (B) at such time and in such manner as the Secretary may require.

''(h) ADMINISTRATION BY THE SECRETARY.—

''(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated pursuant to the authorization of appropriations under subsection (j) for each fiscal year to administer this section.

''(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible State and local agencies or eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices developed by eligible partnerships. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

''(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

''(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

''(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

''(i) the critical learning of each industry or sector partnership, such as—

''(I) the training that was most effective;

''(II) the human resource challenges that were most common;

''(III) how technology is changing the targeted industry cluster; and

''(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

''(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

''(I) how to work effectively with postsecondary educational institutions;

''(II) the use of internships;

''(III) coordinating with apprenticeships and cooperative education programs;

''(IV) how to work effectively with schools providing vocational education;

''(V) how to work effectively with adult populations, including—

''(aa) dislocated workers;

''(bb) women in nontraditional occupations; and

''(cc) individuals with barriers to employment, such as job seekers who—

''(AA) are economically disadvantaged;

''(BB) have limited English proficiency;

''(CC) require remedial education;

''(DD) are older workers;

''(EE) are individuals who have completed a sentence for a criminal offense; and

''(FF) have other barriers to employment;

''(VI) employer practices that are most effective;

''(VII) the types of training that are most effective; and

''(VIII) other areas where industry or sector partnerships can assist each other;

''(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

''(C) conduct conferences and seminars to—

''(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

''(ii) provide information to the communities of eligible entities.

''(5) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the industry or sector partnership

grant program established by this section. The report shall include a description of—

''(A) the eligible entities receiving funding;

''(B) the activities carried out by the eligible entities;

''(C) how the eligible entities were selected to receive funding under this section; and

''(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and for each succeeding fiscal year.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) for the fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were first appropriated.''.

**SEC. 3. FEDERAL AGENCY COORDINATION.**

(a) INTERAGENCY COOPERATION.—The head of each Federal department or agency whose funding, regulations, or other policies impact workers shall cooperate with the Secretary of Labor to—

(1) maintain up-to-date information on jobs, wages, benefits, skills, and careers of workers impacted by the actions of such agency or department;

(2) develop and implement policies that would improve the jobs and careers of workers impacted by the actions of such agency or department; and

(3) report the department or agency's job creation and economic development strategies to the Secretary.

(b) ALIGNMENT.—Notwithstanding any other provision of law, the Secretary and the heads of other Federal departments or agencies shall work together to align existing education and training programs with the demonstrated needs of industry or sector partnerships, as defined in section 174A(b) of the Workforce Investment Act. These collaborative efforts shall include the following:

(1) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall advise the Secretary of Labor of the Department of Commerce's workforce and economic development strategies, programs, and initiatives.

(2) JUSTICE DEPARTMENT.—The Attorney General shall—

(A) align federally funded programs offering training for inmates with industry clusters (as defined in section 174A(b) of the Workforce Investment Act) and high-priority occupations, and annually review these training programs to assure that the training programs prepare individuals for high-priority occupations; and

(B) align federally funded reentry programs to take advantage of information and career opportunities provided by industry and sector partnerships.

(3) DEPARTMENT OF EDUCATION.—The Secretary of Education shall—

(A) develop and support career ladders for high-priority occupations critical to targeted industry clusters served by a grant under section 174A of the Workforce Investment Act;

(B) develop and support innovative programs to address literacy (including English as a second language) and numeracy shortcomings, especially in those occupations critical to such targeted industry clusters;

(C) develop and support programs and strategies to reduce barriers to adult education;

(D) develop and support career education initiatives in middle and high schools; and

(E) support initiatives to develop industry-recognized credentials and new credit-bearing programs in public and private postsecondary educational institutions, especially in occupations critical to such targeted industry clusters.

(4) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall—

(A) develop and support innovative programs that connect qualified individuals receiving assistance under the State temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with employment opportunities in the targeted industry clusters served by a grant under section 174A of the Workforce Investment Act;

(B) develop and support strategies to prepare individuals receiving assistance under the State temporary assistance for needy families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for success in postsecondary education and training programs; and

(C) develop and support career education initiatives that provide such individuals with information to guide the clients' education and training plans.

Ms. SNOWE. Mr. President, I rise today, with Senator SHERROD BROWN, to introduce the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act. This legislation would amend the Workforce Investment Act of 1998 and establish a new industry or sector partnership grant program administered by the Department of Labor.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers are able to find a capable workforce. Unfortunately, many manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace. It is critical that we ensure that our Nation has a sufficient workforce to meet the needs of the U.S. manufacturing sector.

This legislation provides grants to help industry clusters—which are interrelated group of businesses, service providers, and associated institutions—establish and expand industry partnerships. Existing partnerships, which are similar to those created by this bill, have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current Federal policy does not provide sufficient support for these critical ventures.

In my home State of Maine, the number of manufacturing jobs has dropped dramatically over the past decade. Between 1998 and 2008, manufacturing employment in Maine went from 81,000 to 59,000, a 27 percent decrease! A key reason manufacturing job losses have dramatically affected Maine is that the average manufacturing salary is $10,000 more than the average annual State wage. The statistics for the whole of New England are no better. From January 1998 through December 2006, the region witnessed a decline of roughly 25 percent of its manufacturing workforce.

For those who have lost manufacturing jobs, it is vital to help improve their skills, preparing them for available U.S. jobs. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership we will take a crucial step toward rejuvenating our economy.

Groups, such as the National Governors Association, the Aspen Institute, and the National Network of Sector Partners have promoted and documented the success of sector partnerships. Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and advancing employment opportunities. For example, the State of Maine has recently created the North Star Alliance Initiative. The alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Out Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 632—CALLING ON THE GOVERNMENTS OF THE PEOPLE'S REPUBLIC OF CHINA AND THE INTERNATIONAL COMMUNITY TO USE THE UPCOMING OLYMPIC GAMES AS AN OPPORTUNITY TO PUSH FOR THE PARTIES TO THE CONFLICTS IN SUDAN, CHAD, AND THE CENTRAL AFRICAN REPUBLIC TO CEASE HOSTILITIES AND REVIVE EFFORTS TOWARD A PEACEFUL RESOLUTION OF THEIR NATIONAL AND REGIONAL CONFLICTS

Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mr. CARDIN, Ms. LANDRIEU, Ms. SNOWE, Mr. KERRY, Mr. BROWNBACK, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 632

Whereas, since the conflict in Darfur, Sudan, began in 2003, hundreds of thousands of people across the region have been murdered, tortured, and raped, with more than 2,500,000 people driven from their homes as a result of ongoing violence, and all parties to the conflict continue to attack civilians throughout the region, while impeding access of humanitarian workers;

Whereas armed groups move freely among Sudan, Chad, and the Central African Republic, committing murder, banditry, forced recruitment, mass displacement, gender-based violence, and other crimes undermining regional security and exacerbating a cross-border humanitarian crisis;

Whereas, on July 31, 2007, the United Nations Security Council passed Security Council resolution 1769 (2007), authorizing a joint United Nations-African Union Mission in Darfur (UNAMID) to implement the Darfur Peace Agreement and protect civilians;

Whereas only one-third of UNAMID peacekeepers have been deployed to the region and those deployed remain under-equipped to protect civilians and are the target of deliberate attacks by armed militias;

Whereas a new joint African Union-United Nations chief mediator, Burkina Faso's foreign minister, Djibril Bassole, has been appointed to reignite stalled peace talks between the parties in Darfur and help establish a cessation of hostilities;

Whereas fighting erupted in Sudan's oil-rich Abyei region on May 13 and 21, 2008, leaving 18 civilians dead and giving rise to concerns about a breakdown of the Comprehensive Peace Agreement (CPA), which could ruin progress made over the last three years toward lasting peace in southern Sudan and ensnare the wider region into overlapping conflicts;

Whereas the Chief Prosecutor of the International Criminal Court charged the President of Sudan on July 14, 2008, with orchestrating genocide and crimes against humanity in Darfur, elevating hopes for accountability but also fears of retaliation against peacekeepers, humanitarian workers, and civilians;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan, giving it significant influence on the Government of Sudan;

Whereas, from August 8 to August 24, 2008, China will host the Olympic Summer Games, the most venerated and prestigious international sporting event;

Whereas there is a tradition of an Olympic Truce, originating in ancient Greece, to ensure the safety of athletes traveling to the ancient Olympic Games, the importance of which was reaffirmed in 2003 by the United Nations;

Whereas the Olympic Truce traditionally begins one week before the Olympic Games and extends one week after the end of the Paralympic Games;

Whereas, on October 16, 2007, the United Nations General Assembly passed resolution G/A 62/L.2, ''Building a better and more peaceful world through sport,'' which urges Member States to observe, within the framework of the Charter of the United Nations, the Olympic Truce, individually and collectively, during the Games of the XXIX Olympiad in Beijing, and to cooperate with the International Olympic Committee in its efforts to use sport as an instrument to promote peace, dialogue, and reconciliation in areas of conflict during and beyond the Olympic Games period; and

Whereas the situation in Sudan and the neighboring region remains highly volatile as the Olympics approach: Now, therefore, be it

*Resolved,* That the Senate—

(1) expresses its continued support and sympathy for the hundreds of thousands of civilians of Sudan, Chad, and the Central African Republic who have been affected by the ongoing violence and regional instability;

(2) recognizes the unique opportunity presented by the Olympics and calls on the United Nations, the African Union, and other international leaders to use it to promote peace, dialogue, and reconciliation in areas of conflict and commends those Olympic and Paralympic athletes seeking to advance that cause;

(3) recognizes the close relationship between the Governments of People's Republic of China and Sudan, and strongly urges the Government of the People's Republic of China to use its full influence to press the Government of Sudan to commit to a cessation of hostilities, allow the full deployment of UNAMID peacekeeping forces, and engage in good faith in efforts to rejuvenate peace talks;

(4) calls upon the Government of Sudan and other armed actors in the region to immediately adopt a cessation of hostilities, during which they allow unfettered humanitarian access and the full deployment of UNAMID peacekeeping forces as well as engage in good faith efforts to rejuvenate peace talks;

(5) welcomes the efforts of the new joint African Union-United Nations mediator, Mr. Djibril Bassole, to revive a comprehensive peace process with all stakeholders to end the violence, demobilize militias, and promote voluntary return of internally displaced persons and refugees;

(6) urges the President and the international community to ensure that mediation efforts are supported and backed by credible leverage through targeted pressure and an enforced arms embargo;

(7) calls upon the United Nations and African Union to use the opportunity presented by a cessation of hostilities to fully deploy and equip UNAMID as well as strengthen the United Nations Mission in Sudan (UNMIS) to better monitor the Abyei region; and

(8) encourages the United Nations Secretary-General and other international leaders to publicly promote the principles reflected in the Olympic Truce among all the warring parties in Sudan, Chad, the Central African Republic, and other areas of conflict around the world.

## SENATE RESOLUTION 633—EXPRESSING THE SENSE OF THE SENATE ON THE DETERIORATION OF RESPECT FOR PRIVACY AND HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA BEFORE THE 2008 OLYMPIC GAMES IN BEIJING

Mr. BROWNBACK (for himself and Mr. BUNNING) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 633

Whereas, on July 13, 2001, the International Olympic Committee announced the awarding of the 2008 Olympic Games to Beijing, People's Republic of China;

Whereas, prior to that announcement, the bidding documents submitted by the Government of the People's Republic of China to the International Olympic Committee stated, ''We are confident that the Games coming to China not only promotes our economy, but also enhances . . . human rights.'';

Whereas those documents also stated, ''There will be no restrictions on journalists in reporting on the Olympic Games. . . . There will be no restriction concerning the use of media material produced in China and intended principally for broadcast outside.'';

Whereas Beijing's Action Plan for the Olympics states, ''In the preparation for the Games, we will be open in every aspect to the rest of the country and the whole world.'';

Whereas, on April 23, 2002, after the Olympic Games had been awarded to Beijing, the President of the International Olympic Committee, Jacques Rogge, said, ''We are convinced that the Olympic Games will improve the human rights record [in China].'';

Whereas, on March 13, 2008, the United States Department of State released the annual Country Reports on Human Rights Practices;

Whereas the report on the People's Republic of China states that in 2007 the Government of the People's Republic of China ''tightened restrictions on freedom of speech and the press, particularly in anticipation of and during sensitive events, including increased efforts to control and censor the Internet'';

Whereas that report also states that in 2007 authorities of the People's Republic of China ''monitored telephone conversations, facsimile transmissions, e-mail, text messaging, and Internet communications'';

Whereas, on July 29, 2008, Amnesty International released a report entitled ''People's Republic of China: The Olympics Countdown—Broken Promises'', which finds, regarding the promises of the Government of the People's Republic of China to the International Olympic Committee in 2001, ''[T]here has been no progress towards fulfilling these promises, only continued deterioration. . . . In fact, the crackdown on human rights defenders, journalists and lawyers has intensified because Beijing is hosting the Olympics.'';

Whereas, that report also states, ''Chinese journalists continue to operate in a climate of official censorship and control, with many still languishing in jail for reporting on issues deemed politically sensitive. Internet controls have been increasingly tightened as the Olympics approach with control, regulation and censorship extending to various categories of internet users, including Internet Service Providers, bloggers and website owners. Numerous websites have been closed down for providing information deemed sensitive by the authorities. Internet users who post such information risk detention, prosecution and imprisonment.'';

Whereas, in April 2008, the Government of the People's Republic of China issued an order requiring hotels to allow the Public Security Bureau to install hardware devices and new software programs on the hotel networks that are designed to send sensitive information about users, including foreign visitors and journalists, to the Public Security Bureau;

Whereas, on July 29, 2008, Agence France-Presse reported that ''China will censor the Internet used by foreign media during the Olympics . . . reversing a pledge to offer complete media freedom at the games'', citing confirmation by Sun Weide, spokesman for the Beijing Olympic Organizing Committee;

Whereas the Olympic Charter states that the mission of the International Olympic Committee is ''to promote a positive legacy from the Olympic Games to the host cities and host countries'';

Whereas, on December 25, 2007, the Vice-President of the International Olympic Committee, Thomas Bach, stated, ''The Games can act as a catalyst and contribute to the opening of a society.''; and

Whereas, on March 23, 2008, the President of the International Olympic Committee, Jacques Rogge, stated that the Olympic Games are a ''force for good'': Now, therefore, be it

*Resolved,* That the Senate—

(1) calls upon the Government of the People's Republic of China—

(A) to rescind the order requiring hotels to allow the Public Security Bureau to install hardware and software on the hotel networks; and

(B) to refrain from targeting, on the basis of information collected from Internet monitoring, any individual who visits websites related to politics or human rights or who expresses opinions related to politics or human rights in electronic communication;

(2) expresses grave concern regarding the deterioration of respect for human rights in the People's Republic of China leading up to the Beijing Olympics;

(3) notes that the behavior of the Government of the People's Republic of China violates several international conventions to which the country is a signatory, violates the Government's commitments to the International Olympic Committee, and is contrary to longstanding Olympic tradition and spirit; and

(4) remains concerned for the safety and privacy of international visitors and journalists traveling to the People's Republic of China for the Beijing Olympics, in particular visitors and journalists involved in documenting human rights abuses and promoting human rights improvements.

## SENATE RESOLUTION 634—RECOGNIZING JULY 30, 2008, AS THE 40TH ANNIVERSARY OF THE ENACTMENT OF THE RESOLUTION ESTABLISHING THE SENATE SELECT COMMITTEE ON NUTRITON AND HUMAN NEEDS

Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, Mr. KERRY, Mr. SANDERS, Mrs. LINCOLN, Ms. STABENOW, Mr. ROBERTS, Mrs. DOLE, Mr. PRYOR, Mr. SMITH, Mr. JOHNSON, Mrs. CLINTON, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 634

Whereas on April 26, 1968, after viewing the CBS Emmy-award winning documentary ''Hunger in America,'' Senator George McGovern introduced a resolution to establish a Senate Select Committee on Nutrition and Human Needs;

Whereas the resolution establishing the Select Committee on Nutrition and Human Needs was enacted on July 30, 1968;

Whereas Senator George McGovern served as the Chairman of the Select Committee on Nutrition and Human Needs from 1968 to 1977;

Whereas July 30, 2008, marks the 40th anniversary of the enactment of the resolution establishing the Select Committee on Nutrition and Human Needs, which later became the foundation of the current Subcommittee on Nutrition and Food Assistance, Sustainable and Organic Agriculture, and General Legislation Jurisdiction of the Senate Committee on Agriculture, Nutrition, and Forestry;

Whereas Senator George McGovern was committed to exposing the failure of Federal food assistance programs to reach citizens lacking in adequate quantities and quality of food;

Whereas Senators George McGovern and Robert Dole worked tirelessly in their respective roles on the Select Committee on Nutrition and Human Needs to develop a bipartisan Federal response to hunger;

Whereas the Select Committee on Nutrition and Human Needs played a key role in educating Congress, the Federal government, and the Nation at large about the magnitude of hunger in the United States;

Whereas the work of the Select Committee on Nutrition and Human Needs was vital to reforming the Federal food stamp program, culminating in the passage of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), which made the program more efficient and more accessible to those most in need by finally eliminating the requirement that Americans pay for a portion of their food stamps;

Whereas the work of the Select Committee on Nutrition and Human Needs was essential to expanding the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) and permanently establishing the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the child and adult care food program under section 17 of the National School Lunch Act (42 U.S.C. 1766), and the summer food service program for children under section 13 of that Act (42 U.S.C. 1761);

Whereas the work of the Select Committee on Nutrition and Human Needs was instrumental in the establishment of the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (WIC);

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry remains committed to continuing the important work begun by Senators George McGovern and Robert Dole of providing a Federal response to hunger;

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry provided a record-level amount of nutrition funding in the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651) to reform and strengthen Federal nutrition assistance programs;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry made key improvements to the food stamp program, including—

(1) increasing the food purchasing ability of low-income households by accounting for food cost inflation;

(2) increasing the minimum benefit;

(3) encouraging retirement and education savings; and

(4) allowing families to account for child care costs in calculating food assistance;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry helped to strengthen the domestic food assistance safety net by providing significant funding to increase commodity purchases for local area food banks;

Whereas, in 2008, more than 28,000,000 people in the United States participate in the food stamp program;

Whereas, in 2008, more than 17,500,000 low-income children receive free or reduced-price meals through the national school lunch program;

Whereas despite Federal food assistance programs, 35,500,000 people in the United States, including 12,600,000 children, continue to live in households considered to be food insecure;

Whereas children who live in households lacking access to sufficient food are more likely to be in poorer physical health than children from food secure households; and

Whereas children are particularly vulnerable to the effects of food insecurity because undernutrition can have adverse impacts on emotional health, behavior, school performance, and cognitive development: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes July 30, 2008, as the 40th anniversary of the enactment of the resolution establishing the Senate Select Committee on Nutrition and Human Needs;

(2) recognizes the substantial contributions the Select Committee on Nutrition and Human Needs made in ensuring that effective and efficient Federal food assistance programs were accessible to those most in need;

(3) recognizes that hunger continues to be an issue plaguing the United States; and

(4) supports the continued efforts of Federal, State, and local governments and private non-profit organizations to eradicate hunger in the United States.

## SENATE RESOLUTION 635—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 635

*Resolved*, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Commerce, Science and Transportation: Mrs. Hutchison, Mr. Stevens, Mr. McCain, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5254. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3322, to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; which was referred to the Committee on Finance.

SA 5255. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 5256. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3186, to provide funding for the Low-Income Home Energy Assistance Program; which was ordered to lie on the table.

SA 5257. Mr. PRYOR (for Mr. LEAHY) proposed an amendment to the bill H.R. 5938, to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

## TEXT OF AMENDMENTS

**SA 5254.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3322, to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; which was referred to the Committee on Finance; as follows:

On page 15, line 11, insert ''or by any instrumentality of the State'' after ''located''.

**SA 5255.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. OPEN FUEL STANDARDS.**

(a) SHORT TITLE.—This section may be cited as the ''Open Fuel Standard Act of 2008'' or the ''OFS Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) In a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines.

(3) Technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance.

(4) Fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status.

(5) The current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly $500,000,000,000 per year.

(6) Much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies.

(7) Alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States.

(8) Alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels.

(9) It is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available.

(10) Existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete.

(11) The necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels.

(12) The establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad.

(13) The United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible.

(14) New cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel.

(15) Such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

**''§ 32920. Open fuel standard for transportation**

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.—The term 'light-duty automobile manufacturer's annual inventory' means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

''(i) the supply of any component required for compliance with the regulations; or

''(ii) the use and installation by the manufacturer of such component.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufactures under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.

''(F) LABELING.—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

''(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and

''(ii) may only be removed after recall and installation of the required components.

''(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

''(3) RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

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**SA 5256.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3186, to provide funding for the Low-Income Home Energy Assistance Program; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. 3. OPEN FUEL STANDARDS.**

(a) SHORT TITLE.—This section may be cited as the ''Open Fuel Standard Act of 2008'' or the ''OFS Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) In a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines.

(3) Technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance.

(4) Fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status.

(5) The current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly $500,000,000,000 per year.

(6) Much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies.

(7) Alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in

many other countries in the Western Hemisphere that are friendly to the United States.

(8) Alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels.

(9) It is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available.

(10) Existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete.

(11) The necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels.

(12) The establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad.

(13) The United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible.

(14) New cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel.

(15) Such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

**"§ 32920. Open fuel standard for transportation**

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.—The term 'light-duty automobile manufacturer's annual inventory' means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

''(i) the supply of any component required for compliance with the regulations; or

''(ii) the use and installation by the manufacturer of such component.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufactures under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.

''(F) LABELING.—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

''(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and

''(ii) may only be removed after recall and installation of the required components.

''(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

''(3) RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

**SA 5257.** Mr. PRYOR (for Mr. LEAHY) proposed an amendment to the bill H.R. 5938, to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; as follows:

On page 2, strike lines 1 through 5, and insert the following:

**TITLE I—FORMER VICE PRESIDENT PROTECTION ACT**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Former Vice President Protection Act of 2008''.

**SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.**

On page 3, strike line 1 and insert the following:

**SEC. 103. EFFECTIVE DATE.**

On page 3, after line 4, insert the following:

**TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Identity Theft Enforcement and Restitution Act of 2008''.

**SEC. 202. CRIMINAL RESTITUTION.**

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

**SEC. 203. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.**

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

**SEC. 204. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.**

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

**SEC. 205. CYBER-EXTORTION.**

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

**SEC. 206. CONSPIRACY TO COMMIT CYBER-CRIMES.**

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

**SEC. 207. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.**

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

**SEC. 208. FORFEITURE FOR SECTION 1030 VIOLATIONS.**

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

**SEC. 209. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.**

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 9:30 a.m.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 12 p.m. to conduct a hearing entitled ''Planning for Post-Catastrophe Housing Needs: Has FEMA Developed an Effective Strategy for Housing Large Numbers of Citizens Displaced by Disaster?''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 3:15 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Hearing on the Nomination of Thomas J. Madison, Jr. to be Administrator of the Federal Highway Administration for the Department of Transportation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, conduct a hearing entitled ''Politicizing Hiring at the Department of Justice'' on Wednesday, July 30, 2008, at 10, in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''S.1. Res. 45, A Resolution Consenting To and Approving the Great Lakes-St. Lawrence River Basin Water Resources Compact'' on Wednesday, July 30, 2008, at 1 p.m. in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 30, 2008, at 2:30 p.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, July 30, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Byron Hurlbut, Matt Padilla, and Michele Mazzocco of Senator BINGAMAN's office be granted privileges of the floor for today.

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

Mr. CASEY. Mr. President, I ask unanimous consent a member of my staff, Caryn Long, be granted the privilege of the floor for purposes of this speech.

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

Mr. MENENDEZ. Mr. Presdient, I ask unanimous consent that Jillian Curtis from my office be granted floor privileges for the duration of today's session.

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

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 897, S. 2617.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2617) to increase, effective December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2008''.*

***SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.***

*(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).*

*(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:*

*(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.*

*(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.*

*(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.*

*(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.*

*(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.*

*(c) DETERMINATION OF INCREASE.—*

*(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).*

*(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.*

*(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.*

*(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the*

*Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.*

***SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.***

*(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—*

*(1) in subsection (a), by striking ''$115'' and inserting ''$117'';*

*(2) in subsection (b), by striking ''$225'' and inserting ''$230'';*

*(3) in subsection (c), by striking ''$348'' and inserting ''$356'';*

*(4) in subsection (d), by striking ''$501'' and inserting ''$512'';*

*(5) in subsection (e), by striking ''$712'' and inserting ''$728'';*

*(6) in subsection (f), by striking ''$901'' and inserting ''$921'';*

*(7) in subsection (g), by striking ''$1,135'' and inserting ''$1,161'';*

*(8) in subsection (h), by striking ''$1,319'' and inserting ''$1,349'';*

*(9) in subsection (i), by striking ''$1,483'' and inserting ''$1,517'';*

*(10) in subsection (j), by striking ''$2,471'' and inserting ''$2,527'';*

*(11) in subsection (k)—*

*(A) by striking ''$89'' both places it appears and inserting ''$91''; and*

*(B) by striking ''$3,075'' and ''$4,313'' and inserting ''$3,145'' and ''$4,412'', respectively;*

*(12) in subsection (l), by striking ''$3,075'' and inserting ''$3,145'';*

*(13) in subsection (m), by striking ''$3,392'' and inserting ''$3,470'';*

*(14) in subsection (n), by striking ''$3,860'' and inserting ''$3,948'';*

*(15) in subsections (o) and (p), by striking ''$4,313'' each place it appears and inserting ''$4,412'';*

*(16) in subsection (r), by striking ''$1,851'' and ''$2,757'' and inserting ''$1,893'' and ''$2,820'', respectively; and*

*(17) in subsection (s), by striking ''$2,766'' and inserting ''$2,829''.*

*(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—*

*(1) in subparagraph (A), by striking ''$139'' and inserting ''$142'';*

*(2) in subparagraph (B), by striking ''$240'' and ''$70'' and inserting ''$245'' and ''$71'', respectively;*

*(3) in subparagraph (C), by striking ''$94'' and ''$70'' and inserting ''$96'' and ''$71'', respectively;*

*(4) in subparagraph (D), by striking ''$112'' and inserting ''$114'';*

*(5) in subparagraph (E), by striking ''$265'' and inserting ''$271''; and*

*(6) in subparagraph (F), by striking ''$222'' and inserting ''$227''.*

*(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$662'' and inserting ''$677''.*

*(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—*

*(1) NEW LAW DIC.—Section 1311(a) of such title is amended—*

*(A) in paragraph (1), by striking ''$1,067'' and inserting ''$1,091''; and*

*(B) in paragraph (2), by striking ''$228'' and inserting ''$233''.*

*(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:*

| *''Pay grade* | *Monthly rate* | *Pay grade* | *Monthly rate* |
|---|---|---|---|
| *E–1* | *$1,091* | *W–4* | *$1,305* |
| *E–2* | *$1,091* | *O–1* | *$1,153* |
| *E–3* | *$1,091* | *O–2* | *$1,191* |
| *E–4* | *$1,091* | *O–3* | *$1,274* |
| *E–5* | *$1,091* | *O–4* | *$1,349* |
| *E–6* | *$1,091* | *O–5* | *$1,485* |
| *E–7* | *$1,129* | *O–6* | *$1,674* |
| *E–8* | *$1,191* | *O–7* | *$1,808* |
| *E–9* | *[1] $1,242* | *O–8* | *$1,985* |
| *W–1* | *$1,153* | *O–9* | *$2,123* |
| *W–2* | *$1,198* | *O–10* | *[2] $2,328* |
| *W–3* | *$1,234* | | |

*[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,342.*

*[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,499.''*

*(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—*

*(A) in subsection (b), by striking ''$265'' and inserting ''$271'';*

*(B) in subsection (c), by striking ''$265'' and inserting ''$271''; and*

*(C) in subsection (d), by striking ''$126'' and inserting ''$128''.*

*(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—*

*(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—*

*(A) in paragraph (1), by striking ''$452'' and inserting ''$462'';*

*(B) in paragraph (2), by striking ''$649'' and inserting ''$663'';*

*(C) in paragraph (3), by striking ''$846'' and inserting ''$865''; and*

*(D) in paragraph (4), by striking ''$846'' and ''$162'' and inserting ''$865'' and ''$165'', respectively.*

*(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—*

*(A) in subsection (a), by striking ''$265'' and inserting ''$271'';*

*(B) in subsection (b), by striking ''$452'' and inserting ''$462''; and*

*(C) in subsection (c), by striking ''$225'' and inserting ''$230''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.*

*Amend the title so as to read: ''A Bill to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.''.*

Mr. AKAKA. As chairman of the Senate Committee on Veterans' Affairs, I note my strong support for Senate passage of S. 2617, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 2008. This measure, which I introduced earlier this year and which the Committee on Veterans' Affairs reported on July 24, would direct the Secretary of Veterans' Affairs to increase, effective December 1, 2008, the rates of veterans' disability compensation to keep pace with the rising cost of living. The rate adjustment would be equal to that provided to Social Security recipients, based on the Bureau of Labor Statistics' Consumer Price Index.

Congress regularly enacts an annual cost-of-living adjustment, COLA, for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their needs. This past year Congress passed, and the President signed into law, Public Law 110–111, which resulted in a COLA increase of 2.3 percent for 2008. At this time, the Congressional Budget Office estimates that the cost-of-living adjustment for 2009 will be 2.8 percent.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. According to the latest figures from VA, there are 2.8 million veterans currently receiving compensation for disabilities incurred in the line of duty, as well as over 316,000 surviving spouses of veterans receiving dependency and indemnity compensation. Current U.S. military deployments in Iraq and Afghanistan will ensure that there will be new recipients of these benefits in the coming years. The brave men and women who voluntarily put themselves in harm's way to keep our country safe need to be certain that we will fulfill our responsibility to ensure that those who are injured during service are provided with the help they need to provide for their families' economic security.

Many of the more than 3 million recipients of these VA benefits depend upon these tax-free payments not only to provide for their own basic needs but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of

their hard-earned benefits slowly dwindle, and we, as a Congress, would have neglected our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

I urge all of our colleagues to support passage of this COLA increase and for their continued support for our Nation's veterans.

Mr. PRYOR. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2617), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to.

## FORMER VICE PRESIDENT PROTECTION ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5938, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5938) to amend Title 18 United States Code to provide Secret Service protection to former Vice Presidents, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that a Leahy-Specter amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5257) was agreed to, as follows:

(Purpose: To amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft)

On page 2, strike lines 1 through 5, and insert the following:

### TITLE I—FORMER VICE PRESIDENT PROTECTION ACT

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Former Vice President Protection Act of 2008''.

**SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.**

On page 3, strike line 1 and insert the following:

**SEC. 103. EFFECTIVE DATE.**

On page 3, after line 4, insert the following:

### TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Identity Theft Enforcement and Restitution Act of 2008''.

**SEC. 202. CRIMINAL RESTITUTION.**

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

**SEC. 203. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.**

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

**SEC. 204. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.**

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

**SEC. 205. CYBER-EXTORTION.**

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

**SEC. 206. CONSPIRACY TO COMMIT CYBER-CRIMES.**

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

**SEC. 207. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.**

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

**SEC. 208. FORFEITURE FOR SECTION 1030 VIOLATIONS.**

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

**SEC. 209. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.**

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5938), as amended, was read the third time, and passed.

## MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 635, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 635) making minority party appointments for the 110th Congress.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 635) was agreed to, as follows:

S. RES. 635

*Resolved*. That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Commerce, Science and Transportation: Mrs. Hutchison. Mr. Stevens, Mr. McCain, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

## MEASURE PLACED ON THE CALENDAR—S. 3348

Mr. PRYOR. Mr. President, I understand that S. 3348 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3348) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Mr. PRYOR. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## ORDERS FOR THURSDAY, JULY 31, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, July 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half. I further ask unanimous consent that following morning business, the Senate resume consideration of the motion to proceed to S. 3001, the Department of Defense authorization bill. Finally, I ask unanimous consent that the time from 10:30 a.m. to 12:30 p.m. be controlled in alternating 30-minute blocks of time between the majority and Republican sides, with the Republicans controlling the first 30 minutes.

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

## PROGRAM

Mr. PRYOR. Mr. President, tomorrow we expect to turn to the consideration of the Consumer Product Safety Commission conference report and the higher education conference report. Therefore, Senators should expect votes throughout the day.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Thursday, July 31, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF ENERGY

JAMES A. SLUTZ, OF OHIO, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

### DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE DANIEL L. COOPER, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SARAH C. L. SCULLION

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

RICHARD E. CUTTS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

KARL L. BROWN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ANDREW T. HARKREADER
TARIS S. HAWKINS

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

STEPHEN E. HUSKEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JENNIFER A. HISGEN
VIVIAN C. SHAFER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

KORD H. BASNIGHT
DAVID C. CANNON
DANNY M. CHAPPELL
PATRICK L. CUMMINGS
KURT A. DIDIER
PHILLIP N. FOSTER
THOMAS L. FRANKFURT
DEREK GILMAN
URAL D. GLANVILLE
JON L. HALL
JOYCE A. HAMEL
JAMES M. HEATON
MARK E. JOHNSON
JEFFREY G. KLAVENS
GERALD P. KOHNS
GERALD J. LANGAN, JR.
THOMAS A. LINCOLN
WILLIAM W. MCQUADE
EDYE L. MORAN
JOHN K. MORONEY
ROGER E. NELL
ALAN OTT
LON S. PLATT
CYNTHIA J. RAPP
ANTHONY P. RICCI
CHRISTOPHER W. ROYER
ANDREW SQUIRE
ANTHONY R. TEMPESTA
DAVID K. TRAUTMAN
WILLIAM W. WAY
FRANK D. WHITNEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

BRADLEY AEBI
JAMES ANDERSON
JAMES P. ARNOLD
TRAVIS J. AUSTIN
CHAD BANGERTER
SAMUEL BELAU
BENJAMIN BELFIGLIO
JOSEPH BOWLES
CLINTON CABLE
CHUN Y. CHAN
DAVID CIESLA
STAN CLARK
JARED DEAN
MARK ERICSON
MICHAEL FORAN
LACEY GREEN
THOMAS R. GUNNELL
KRISTOPHER HART
GARTH W. HATCH
DANIEL HENDRICKS
KELLY J. JOHNSON
THOMAS M. JOHNSON
DANIEL D. KERSTEN
KIRBY S. KJAR
SUSAN O. KOAGEL
JACQUELINE KORMANN
SOOMO LEE
MICHAEL R. MANSELL
ROBERT MANSMAN
DAVIN E. MELLUS
JASON M. MICHEL
MAX H. MOLGARD, JR.
DAVID D. NELSON
THAO NGUYEN
LISA NORBY
KEVIN PARKER
LOKEN M. PATEL
MATTHEW E. ROBERTSON
GREGORY S. RUSSELL
RAND RUSSELL
JERROD L. SANDERS
JILL E. SANDERS
DANIEL C. SHIN
DANIELLE SIM
RYAN STRATTON
GYULA TAKACS
DAVID TUCKER
AZURE L. UTLEY
MARK VAGNETTI
PHILIP VANCE
KEVYN WETZEL
CLAYTON B. WILLIAMS
KEITRA T. WILSON
KYUNGHEE K. YOO
JONATHAN YUN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

JULIE A. AKE
KEVIN S. AKERS
SHAWN M. ALDERMAN
ASNA A. AMIN
SAMUEL ANAYA
ZACHARY ARTHURS
ADAM ASH
SIMEON W. ASHWORTH
MEAGAN M. BACHARACH
TERRENCE BARRETT
CRAIG H. BARSTOW
ERIC BASS
NICHOLAS K. BATCHELOR
SLAVA M. BELENKIY
DANIEL A. BELLIN
NIDHI BHATIA
PAMELA BLAND
MATTHEW A. BORGMAN
FLETCHER M. BOULWARE
PETER BRANDRUP
JOANNA G. BRANSTETTER
ELIZABETH L. BRENT
DONNA BRISTER
ADAM L. BROWN
DOUGLAS N. BROWN
JAMIE D. BULKENHOOVER
ELIZABETH R. BURCHARD
TIFFANY BURNETT
KAREN CALLAGHAN
ELIZABETH A. CALLEN
MATTHEW R. CAMPBELL
DEBRA CARSON
DANIEL S. CASE
DAVID M. CHATWIN
JOSEPH G. CHEATHAM
ERIC CHIN
SUNGHUN CHO
TIMOTHY H. CHO
EUGENE J. CHUNG
PAUL CLARK
JASON E. COHEN
DANIEL V. CORDARO
CHRISTIAN COX
AMANDA S. CUDA
SCOTT P. CUDA
RACHEL A. CUENCA
MARTHA E. CULPEPPER
MATTHEW CURNUTTE
CLIFTON R. DABBS
NEIL B. DAVIDS
DAVID C. DEBLASIO
SEAN DEMARS
CHAD A. DEROSA
PETER A. DESOCIO
MARK DEVENPORT
AARON N. DEWEES
JAY M. DINTAMAN
BRAD M. DOLINSKY
BENJAMIN J. DUFFY
DUANE DUKE
WILLIAM DUKE
ELIZABETH H. DUQUE
AARON P. EDWARDS
TANJA S. EPLEY
JUDE T. ESCANO
EDUARDO ESCOBAR
CLIFFORD J. EVANS
LEE A. EVANS
EDWIN A. FARNELL IV
ASHLEY A. FEAVER
JOCELYN FIGUEROA
COLLIN J. FISCHER
ZACHARY E. FISHER
KEVIN FITZPATRICK
ERIN FLAHERTY
SHANNON K. FLOODNICHOLS
TOBY FOSTER
ALLISON J. FRANKLIN
ERIC C. GARGES
DENA L. GEORGE
JEREMY GIBSON
BRUCE GILBERT
JENNIFER GILBERT
JEFFREY R. GIULIANI
TRISA A. GIULIANI
DAVID GLIDDEN
JESSICA F. GOLD
SCOTT T. GOODRICH
TIMOTHY W. GOODRICH
JASON A. GRASSBAUGH
DAVID L. GREENBURG
GARTH T. GREENWELL
CHRISTINA D. HAHN
JASMINE J. HAN
JENNIFER C. HANOWELL
UEL D. HANSEN
SCOTT HARRINGTON
MARK L. HARSHANY
NIDAL M. HASAN
PATRICK C. HAYES
EREK K. HELSETH
MARC W. HERR
JENNIFER R. HEWITT
ROBERT HICKS
GUYON J. HILL
MICAH HILL
MARY K. HINKLE
MICHAEL HITE
AARON HOBLET
COURTNEY A. HOLLAND
MITCHEL HOLM
TODD R. HOWLAND
JAMES T. HSU
KEVIN G. HUEMAN
EDWARD A. HULTEN
MELISSA IGLESIAS
RICHARD K. INAE
DAVID JAMISON
DOROTA J. JANIEC
CHESTER C. JEAN
RALPH E. JENSEN
ERICA N. JOHNSON
KATHRYN JOHNSON
ROBIN JOHNSON
SHAWN E. JOHNSON
WILLIAM J. JORDAN
DANIEL JOYCE
DAVID KAYLOR
CLINTON G. KEILMAN
JEFFREY KELLY
JOSEPH F. KELLY
KEVIN M. KELLY
JOHN Y. KIM
ROBERT S. KING
STEPHANIE L. KIRBY
AARON D. KIRKPATRICK
RANDY KJORSTAD
PETER KREISHMAN
ADRIAN T. KRESS
MICAIAH KUZMA
ANTON P. LACAP
JEFFREY N. LACKEY
JEFFREY T. LACZEK
KIMBERLY F. LAIRET
DOUGLAS R. LANGFORD
JEFFREY B. LANIER
ABIGAIL J. LEE
KANG H. LEE
SUKHYUNG LEE
KIMBERLY A. LEHMAN
LUCAS R. LEONARD
SARA LOKSTAD
SCOTT A. LUKE
RANDY LUNDELL
REBECCA B. LURIA
NICK M. LY
DUSTEN MACDONALD
MICHAEL A. MAHLON
ASHLEY MARANICH
KATHARINE W. MARKELL
SCOTT A. MARSHALL, JR.
MICHAEL C. MARTE
JENNIFER MATHIEU
ROSS M. MATHIEU
JAMES MAUTNER
DUSTIN M. MCDERMOTT
MICHAEL J. MCDONALD
CAMILLE F. MCGANN
ROBERT W. MCINTOSH
CAROL MCLAUGHLIN
JOSEPH C. MCLEAN
NEIL MCMULLIN
KEVIN MCPHERSON

CHARLENE S. MCWILLIAMS
GRANT D. MCWILLIAMS
SEAN MEADOWS
PAUL M. MICHAUD
ETHAN A. MILES
KRISTIN MILLER
LUKE M. MILLER
FOUAD J. MOAWAD
KELLY MORALES
PEREZ J. MORALES
CRISTIN A. MOUNT
KUWONG B. MWAMUKONDA
JASON M. NAKAMURA
JOSHUA T. NAPIER
SHAHIN NASSIRKHANI
BURTON T. NEWMAN
VU Q. NGUYEN
ADAM S. NIELSON
ROBERT NOLAN
EMUEJEVOKE J. OKOH
NKEMAKONAM OKPOKWASILI
BRUCE A. ONG
JUSTIN D. ORR
CHRISTOPHER OTT
DAVID OWSHALIMPUR
JOSEPH PARK
DAVID M. PARKER
GREGORY D. PARKHURST
PRANAV D. PATEL
MATTHEW PFLIPSEN
MATTHEW A. POSNER
JENNIFER PUGLIESE
DAVID PULA
ABIGAIL C. RAEZ
JOHN R. REAUME
JUSTIN M. RECKARD
THEODORE T. REDMAN
THOMAS REGAN
JULIE A. REID
DANIEL REYNOLDS
JACOB H. RICHARDSON
DIANA RIERA
JAMIE C. RIESBERG
RAUL A. RIVERA
JUSTIN ROBBINS
ROSEMARIE RODRIGUEZ
ROMAN D. ROSARIO
LINDSEY D. ROSCHEWSKI
KIRK S. RUSSELL
WESLEY RYLE
KATHLEEN M. SAMSEY
MIGUELGERENA F. SAN
AMY SANCHEZ
DAVID C. SCHNABEL
ERIC SCHNEIDER
THOMAS J. SEERY
ANDREW SENCHAK
GIRISH SETHURAMAN
NICHOLES SEXTON
SHAWN C. SHAFFER
DUSTIN L. SHAWCROSS
JOHN SHEPPARD
BENJAMIN SIGMOND
DARBY L. SILVERNAIL
DAPHNE G. SIMS
EVA SMIETANA
DARREN J. SOMMER
DAVID R. STAGLIANO
DEREK STANER
CHRISTOPHER STANG
AARON K. STARBUCK
JAMES STINCHON
GERALD W. SURRETT
CHRISTOPHER SUTTON
MICHAEL P. SZCZEPANSKI
SCOT A. TEBO
MICHAEL THWING
DAVID D. TIMM
ROBERT TRAINER
HUNG V. TRAN
TUAN C. TRAN
JACOB L. TURNQUIST
CHRISTINE M. VACCARO
NEEL K. VAIDYA
JOHN VALOSEN
ELLIOTT VANN
VEETA M. VAUGHN
TIMOTHY D. WAGNER
JAMES Y. WANG
CYNTHIA L. WEBER
ERIC D. WEBER
TIMOTHY S. WELCH
JOSHUA WILL
DANIEL M. WILLIAMS
KAMEKEA C. WILLIS
RYAN A. WITHROW
ROSS A. WITTERS
JAMES P. WOODROW
DANIEL WOYDICK
CHRISTOPHER D. YAO
WALTER YEE
JOHN W. YOKITIS
SYLVIA C. YOON
SCOTT E. YOUNG

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

ANTHONY M. GRIFFAY
KENNETH L. MERRICK
MICHAEL P. UVA
JEFFREY P. WOOD

*To be commander*

DANIEL T. GAGE
STEVEN R. JACOBS
RONALD G. SEITS
KELLY A. WATSON

*To be lieutenant commander*

KRISTIAN B. BARTON
JEFF A. BLEILE
JAMES W. HENDLEY
ANDREW G. LIGGETT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

PATRICK J. FULLERTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JOSHUA D. CROUSE
DAVE S. EVANS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

MATTHEW E. DUBROW
TAMER N. A. MANSOUR
ADRIAN D. TALBOT
ROBERT S. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ZACHARY A. BEEHNER
LISA C. BERG
BENJAMIN F. COTE
RACHID ELBADRI
RICARDO A. FLORES
RAJA G. HUSSAIN
NICHOLAS G. OSBURN
CONSTANTINE N. PANAYIOTOU
DAVID R. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

DENVER L. APPLEHANS
PAMELA S. BOU
LEWIS T. CROSBY
JEREAL E. DORSEY
KAREN E. EIFERT
RONALD S. FLANDERS
JAMES R. HOEFT
SARAH T. SELFKYLER
CHRISTOPHER S. SERVELLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

LYLE P. AINSWORTH
KEVIN D. BITTLE
JEFFREY A. BROWN
JESUS D. CUNILLERA
STEVEN M. DOWNS
ANTHONY S. ESTEP
CLINT B. FONDO
SEAN HANSON
STEPHEN C. KEHRT
STANLEY M. LAKE, JR.
CLAYTON B. MASSEY
CHRISTOPHER M. MIERA
BENJAMIN J. MOORE
MICHAEL P. MULHERN
WILLIAM A. PALMER
MARIA C. REYMAN
JOSEPH B. RUFF
VICTORIA A. STATTEL
KENNETH I. STEWART
OSMAY TORRES
JUAN C. VARELA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RODNEY O. ADAMS
CHRISTOPHER G. BRIANAS
WILLIE D. BRISBANE
NINA M. BUTLER
DAMIAN M. GELBAND
VANESSA GIVENS
RICHARD A. HUTH
RICHARD D. JOHNSTON, JR.
DOUGLAS W. JONES
RICHARD A. KNIGHT, JR.
YOLANDA K. MASON
JOYCE E. NELSON
JAMES D. POE
ADRIANNE Y. SEARS
JOHN J. SIMONSON III
ROBERT S. SMITH
LARRY B. TALTON
DAVID C. WEBBER
CHRISTOPHER L. WEBSTER
JOHN E. WILLIAMS
STEVEN T. WISNOSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TIMOTHY R. CAMPO
SHELLEY D. CAPLAN
DAVID J. CHENEY
ROBIN C. CHERRETT
JENNIFER E. CLINE
MICHAEL D. DUENSING
JASON D. GIPSON
AMY D. HECK
MATTHEW K. HENIGIN
ALICIA A. HOPKINS
DAVID R. LEWIS
TIMOTHY P. MCGEEHAN
BRANDON K. MCWILLIAMS
ERIN E. OMARR
SAMANTHA J. POTEETE
GREGORY P. RAY
JANICE L. RICE
WILLIAM D. TAGGART
CHRISTOPHER L. TAPPEN
RICARDO A. TREVINO
ANA L. WILSON
JOHN E. WOODS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MICHAEL M. ANDREWS
DONALD W. BEISH
MARY L. BERRIAN
BRIAN S. BOONE
MARK A. CAMACHO
THOMAS E. CHILDERS, JR.
MELISSA M. CLARADY
TRAVIS W. DAWSON
RANDAL E. FULLER
CRAIG A. GABRIELLINI
ANTHONY J. GILLESPIE
WILLIAM K. GILMORE
JOHN K. GRIMES
THOMAS J. HAINES
JAIME L. HILL
MICAH R. KELLEY
AARON M. LITTLEJOHN
DERBY C. LUCKIE
ADEJOSE R. MCKOY
ROBERT D. MCLAUGHLIN, JR.
JOSEPH B. MOORE
ROBERT W. MOORE
ANDREW J. NEBOSHYNSKY
ALLEN C. RUTLEDGE
KENT L. SANDERS
FIKRET SARISEN
JEREMIAH E. SHAFER
WILLIAM L. SMILEY
THOMAS E. STEWART
DWIGHT D. TAYLOR
ERIC G. TURNER
ALWIN E. WESSNER
JOSEPH ZULIANI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

LASUMAR R. ARAGON
MICHAEL A. BURKHARD
LUC D. DELANEY
ELAINE S. DUSETZINA
CHRISTOPHER D. EPP
KEITH B. FAHLENKAMP
WILLIAM F. FALLIER
JOHN W. GAMBLE
ROBERT A. GOLD
WESTON L. GRAY
CARLUS A. GREATHOUSE
TODD R. GREENE
WILLIAM L. HAGAN
ANDREW J. HOFFMAN
JONATHAN J. H. KIM
WILLIAM E. KOSZAREK III
HANNAH A. KRIEWALDT
NATHAN E. LYON
NJUGUNA MACARIA
PETER MAJEWICZ
GREGORY A. MOSELLE
LEE A. NICKEL
NICOLE K. NIGRO
MARK C. PARRELLA
WILLIAM P. PEMBERTON
MITCHELL R. PERRETT
DEREK T. PETERSON
ROBERT C. QUESENBURY, JR.
KIAH B. RAHMING
MATTHEW K. SCHROEDER
RANDOLPH E. SLAFF, JR.
GEORGE T. SOUTHWORTH
ZALDY M. VALENZUELA
TYRONE Y. VOUGHS
BENJAMIN A. WILDER
ROBERT E. WILLIAMS
SARAH E. ZARRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

AUDREY G. ADAMS
DAVID C. ANDERSON
DAVID S. BARNES
RICHARD G. BENSING
MARK L. BOGGIS
JOHN V. BREEDLOVE
CHRISTINE A. COCHRAN
BRIAN CONNETT
JACQLYNN K. D. DAVIS
MARK E. DYE
ROBERT R. ELLISON III
KAREN D. GOFF
BOBBY R. GREEN
MICHAEL J. HERLANDS
CLAY C. HERRING
JOHN N. HILL
MISTY D. HODGKINS
JASON S. HULL
MICHELLE HUMPHREY
BRUCE S. IVERSEN
LAURA JEFFERIES
LAWRENCE W. KEMPISTA
IRA D. LAMBETH III
KENNETH W. LASSEK
KAREN Y. LI
CHARLES W. MAYO
MICHAEL J. MCCAFFREY
JOSIE L. MOORE
SHELLEE A. MORRIS
MATTHEW S. MORTON
SEAN R. MULDER
SCOTT A. MULLINS
GARY M. OLIVI
BERNARD T. ONEILL III
CATALINA L. PHIPPEN
ROBERT E. RILEY
JONATHAN P. RINKUS
JESUS A. RODRIGUEZ
JOSHUA J. SANDERS
AMY E. SHROUT
STEVE J. SOLLON
KENNETH W. STGERMAIN
JAMES R. SWAYZE
JAMES B. VERNON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ADAM L. ALBARADO
MICHAEL P. BAILEY
ALLAN M. BAKER
DAVID T. BARR
KARL L. BENDER
JOSEPHINE F. BERNABE
ANTHONY BOICH
JOHN P. BONENFANT
AMANDA M. BORNGEN
ANDREW W. BOYDEN
ALAN M. BRECHBILL
LISA M. BRENNEN
JOHN P. CARDIN
ERIC T. CASTILLO
TIMOTHY P. CHESSER
JAMES P. CHRISTENSEN
LAURA A. COAPSTICK
VALERET H. COLLINS
ALFRED J. CORKRAN III
DEMETRIUS COX
LEIGH A. DETWILER
DALE C. DURLACH
STAFFAN L. EHRLANDER
GREGORY J. ENGLISH
OSCAR J. ESTRADA
RODNEY C. FERIOLI
ROGER D. FERRELL, JR.
MITCHELL H. FINKE
JEFFREY T. FREYE
JENNIFER L. GILLOOLY
THOMAS J. GILMORE
CHRISTOPHER L. GODIER
DANIEL C. GRAY
STUART A. GREEN
ROBERT J. HAMILTON
NELSON D. HEINTZ
MICHAEL A. HUBBARD
ROBERT W. JOHNSTON
JAMES H. KING
CHRISTINA R. LAUGHLIN
ERROL M. LAUMANN
JOEL E. LEATH
DAVID C. LUNDQUIST
YERODIN J. MACK
PETER N. MADSON
KENNETH P. MATTHIAS
ANTONIO MAURO
STEVEN R. MCKINNEY
JACOB W. NEELY
WILLIAM H. NESBITT
CHRISTOPHER A. NIGON
CHRISTOPHER W. ODELL
THOMAS C. OTTOSON
LAURA H. PARSONS
ERIC D. PEDERSEN
ROBERT V. PEELER, JR.
ANDREW G. PLUMER
DARREN M. POOLE
PETER P. QUINN
MICHAEL J. RANCOUR
BENJAMIN W. RAYBURG
CALEB RISINGER
JOSIE J. RODRIGUEZ
MEGAN H. SAGASER
REGINA SLAVIN
ANDREA L. SMITH
RYAN C. SMITH
SARKIS SOLAKIAN
JEREMY D. SPECTOR
DANIEL P. SPEER
NICHOLAS A. STOJANOVICH
JOHN W. STOLZE III
LANCE A. TAYLOR
ANTHONY J. TORIELLO
WILLIAM R. WALSH
BRADLEY J. WALTERMIRE
JARROD M. WARREN
CHAD R. WEDEL
MICHAEL J. WEED, JR.
NICK G. WICKER, JR.
RICHARD M. YEATMAN
JOSEPH A. ZERBY
DENNIS M. ZOGG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

EMMANUEL C. ARCELONA
CHARLES E. ARDINGER
AARON S. AUSBROOKS
DAVID L. BALDWIN
JERRY L. BARTEE
JOHN O. BEACH
KENNETH T. BELLOMY
MICHAEL W. BICKFORD
CHRISTOPHER P. BOBB
KEVIN M. BONSER
MICHAEL L. BORNSTEIN
JOHN M. BRAY
RANDY E. BROWN
JAMES J. BURNETTE
JOHN M. CARMICHAEL
DAVID E. CARROLL
ANTHONY J. CHILES
SHAUN A. CHITTICK
MANUEL A. CORTES
MICHAEL T. CURRY
DOUGLAS L. DANIELS
DZUNG P. DAVIS
ANTHONY DIAZ
PAUL A. DISE
JOSEPH E. DOLSAK
JAMES C. DYER
DANIEL W. ELSASS
RICARDO G. ENRIQUEZ
RANDALL I. FEHER
DONALD E. FRANDSEN
FRANK P. FUHRMEISTER
TROY S. GIGER
STEPHEN E. GILL
GERALD W. GLADDERS
TOD M. GREVER
REBECCA L. HAGEMANN
ROBERT L. HAINLINE, JR.
AUBREY K. HAMLETT
ERIC J. HARRINGTON
CHRISTOPHER K. HAYNIE
JAMES J. HEAVEY
CALVIN G. HENDRIX
JACOB R. HILL
ERIC T. HOLLIS
MARLIN O. HOUSER
TIMOTHY S. HUNT
STEVEN B. JAMES
NOMER F. JAVIER
DEREK S. JENSEN
CHARLES O. JONES
SANFORD L. KALLAL
ALAN D. KENEIPP
JOSEPH KLAPISZEWSKI
RANDY D. LANGLITZ
DENNIS M. LATOUR
RICKY W. LEE, JR.
WILLIAM G. LEWIS
JOHN E. LOHR
LEONARD J. LONG
CALVIN LOPER
ROBERT J. LOPEZ
MITCHELL D. LOTT
RICHARD F. LOVE III
DOUGLAS H. LOYD
ROBERT A. LUTZ
JAMES W. MACISAAC III
ANCEL S. MANALILI
ERROL K. MANDRELL
LUIS R. MARROQUIN
DREW W. MARTINEZ
CHRISTOPHER C. MCCARTER
JEFFREY T. MCMILLAN
TROY A. MCQUEENEY
MICHAEL A. MEADS
MICHAEL S. MILLS
GEORGE I. MOORE
MICHAEL A. MORAND
RODNEY H. MOSS
JOHN D. NAYLOR
JOHN W. NELSON
MICHAEL S. NIELSEN
THOMAS OBER
MICHAEL S. OLDHAM
ENRIQUE ORTIGUERRA
MICHAEL R. OTTO
PAUL R. OUELLETTE
RAYMOND A. PARHAM
WILLIAM P. PARKS
RICK C. PEREZ
JOHN E. PHILLIPS
ROBERT G. PINSKI
LLOYD R. PLANTY
REX N. PUENTESPINA
ORLANDO RAMOS
RONALD G. RANCOURT
TERRY L. RHODES
KENNETH A. SABOL
CRAIG R. SADRACK
BERNARD B. SALAZAR
DAVID T. SANDERLIN
NICHOL M. SCHINE
CARL F. SCHOLLE
BRUCE SCOTT
ROBIN C. SHAFFER
MICHAEL T. SHERROD
RICKY L. SHILO
KENNETH R. SMITH
ANTHONY W. STACY
NORMAND O. STCYR
JEFFREY C. STELZIG
BRIAN C. STOUGH
RITCHIE L. TAYLOR
KENNETH C. TEASLEY
JOHN W. THIERS
EUGENE TILLERY
MARK K. TILLEY
JOSE L. TORRES
WILBERT M. WAFFORD
TREVOR B. WHALEY
KENNETH J. WILLIAMS
VINCENT J. WOOD
WILLIAM R. WOODFIN
BERNERD C. ZWAHLEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CAL R. ABEL
COLIN M. ACKERMAN
GREGORY R. ADAMS
JEREMIAH V. ADAMS
KEVIN M. ADAMS
KEITH T. ADKINS
CHARLES C. ADKISON
JOHN S. ADKISSON
SEAN P. AHEARNE
MEHDI A. AKACEM
EUGENE A. ALBIN
MICHAEL B. ALBUS
DANIEL R. ALCORN
KENNETH D. ALEXANDER
DAVID M. ALIBERTI
RONALD E. ALLEN
CHRISTA D. ALMONTE
SCOTT C. ALMS
RICARDO ALSTON
AARON M. ANDERSON
KEVIN J. ANDERSON
TODD A. ANDERSON
RYAN S. ANNIS
JASON R. ANSTEAD
ZACHARIAH D. APERAUCH
JOSE A. ARANA
JULIAN D. ARELLANO
BENJAMIN F. ARMSTRONG
TREVOR J. ARNESON
GREGORY S. ARNOLD
SEAN M. BABBITT
EDWARD W. BAHAM
DANIEL A. BAKKER
MATTHEW J. BALDWIN
MICHAEL W. BALL
FRANKLIN F. BALLOU
DAVID H. BANKART
DWAYNE E. BARNETT
JONATHAN L. BARON
SONIA M. BARRANTES
ROBERT J. BARRETT
JOHN P. BARRIENTOS
DAVID D. BARRINGTON
BRYAN P. BARRY
JOHN R. BARTAK
JASON K. BARTHOLOMEW
SCOTT A. BARTRAM
SETH E. BASS
EMILY L. BASSETT
TY D. BATHURST
JONATHAN C. BEATTIE
SCOTT C. BEATY
MITCHELL D. BECKER
DANA N. BEERY
LAWRENCE M. BEHR
ALICIA L. BELCHER
CHRISTOPHER R. BELL
JAMES W. BENDER
LEOPOLDO L. BENITES
CHRISTOPHER L. BENJAMIN
DANIEL S. BENSE
BRYCE A. BENSON
LISA M. BERBERICH
BENJAMIN M. BERKOWICK
ERIC A. BERNSEN
CARL A. BERNTSEN
RAMON J. BERROCAL
EDWARD P. BERTUCCI
ROBERT L. BETTS
ERIK M. BICKLE
JONATHAN R. BIEHL
MARK S. BIERWIRTH
CARL T. BIGGS
CHRISTOPHER M. BIGGS
RYAN B. BILLINGTON
MICHAEL J. BILLMAN
JASON L. BIRCH
JAMES R. BIRD
BRIAN C. BLACK
JERICK C. BLACK
JOHN G. BLAKE

SHANE A. BLANCHARD
DANIEL A. BLEICHER
SHAN A. BOGART
JON G. BOGER
ANDREW D. BOGIE
AARON R. BOMAR
DOUGLAS B. BOOHER
REX A. BOONYOBHAS
ADAM P. BOOTH
BRITT W. BOUGHEY
KENNETH A. BOURASSA
JOHN R. BOWEN
DESOBRY E. BOWENS
JEFFREY M. BOWMAN
HAROLD W. BOWMANTRAYFORD
JEREMY D. BOYD
ROBERT C. BOYER
KURT A. BRAECKEL
THOMAS J. BRASHEAR
SCOTT A. BRAUER
WILBERT B. BREEDEN
RICADEMUS BREITWIESER
HARRY J. BRODEEN
COREY R. BROGNA
PETER J. BROTHERTON
JASON D. BROWN
JOSEPH C. BROWN III
JUSTIN S. BROWN
KENNETH R. BROWN
STACEY L. BROWN
STEPHEN BROWN
SONYA L. BROWNCONNER
EDWARD J. BROWNE
JEREMY S. BRYANT
STEVEN L. BRYANT
TERRY L. BUCKMAN
DUSTIN D. BUDD
ROBERT E. BULATAO
MARK C. BURKE
BRANDON J. BURKETT
ANDREW T. BURNS
TYRONE BUSH
JASON G. BUTLER
ANDREW V. BYRNE
JASON A. CABRAL
ANDREW M. CAIN
SHALEN O. CAIN
NOEL C. CAJUDO
DAVID A. CALDWELL
CLAUDINE CALUORI
KEITH E. CAMPBELL
GILBERT T. CANDELARIA
TODD W. CANNAN
PABLOBENITO G. CAPISTRANO II
ARRVID E. CARLSON
TED W. CARLSON
JAMES H. CARSNER II
MACKENZIE J. CARTER
TIMOTHY R. CARTER
ROBERT G. CARTON
DAVID B. CASSALIA
MICHAEL J. CASSIDY
ROBERT D. CASSIDY, JR.
RAPHAEL R. CASTILLEJO
EMILY A. CATHEY
DAN S. CATLIN
ORVILLE W. CAVE
DAVID A. CEARLEY
DEREK J. CEDARS
ARTHUR J. CERVENY
DAVID J. CHAMPAIGNE
CURTIS S. CHANCE
PAUL A. CHANDLER
BENJAMIN D. CHARLES
CAMERON R. CHEN
VINCENT P. CHEN
RANDOLPH CHESTANG
DAVID C. CHEVRETTE
MATTHEW P. CHOQUETTE
BENJAMIN B. CHRISTEN
KEVIN S. CHRISTENSON
BENJAMIN J. CIPPERLEY
BENJAMIN N. CITTADINO
CHRISTOPHER T. CLARK
JEREMY A. CLARK
KALOHI R. CLARK
TYREE N. CLARK
JAMES W. CLAY
JASON I. CLAY
MICHAEL S. CLOUD
LAURIE N. COFFEY
PATRICK D. COFFEY
EVAN M. COLBERT
JOEL E. COLE
MARCUS L. COLE
DAVID S. COLLINS
CHRISTOPHER M. CONLON
BRADLEY D. CONVERSE
MATTHEW K. COOMBS
SCOTT C. COONAN
JASON T. COOPER
THOMAS J. COOPER
AARON S. CORNETT
COLIN CORRIDAN
PATRICK S. CORRIGAN
DANIEL CORTES
PAUL J. COSTANZO
THOMAS E. COTTON
STEPHEN V. COURTRIGHT
JEFFREY G. COVEY
HOWARD J. CRAIG
CAROLYN D. CRARY
RICHARD A. CRAWFORD
KEVIN R. CRISSON
KEVIN R. CROCKETT
THOMAS J. CRONLEY
BRIEN J. CROTEAU
JOSEPH A. CUBA
SCOTT M. CULLEN
HAROLD V. CULLY
JOHN S. CURRIE
SEAN T. CURTIN
RICCARDO S. CUTRUZZULA
KIM M. DACOSTA
RICHARD T. DANIELS
TODD M. DANTONIO
MICHAEL K. DARBY
JOSEPH O. DAVIDSON IV
BRADFORD W. DAVIS
JOHN A. DAYMUDE
JANET H. DAYS
CHANLOR C. DEAL
STEPHEN P. DEAN
CHRISTOPHER B. DEBONS
DEAN C. DEBOURGE
BENJAMIN D. DECKERT
DANIELLE C. DEFANT
JASON F. DEGROOT
JASON M. DEICHLER
MICHAEL F. DELANEY
NICHOLAS C. DELEO
MATTHEW C. DEMARTINO
EARL J. DEMERSSEMAN II
TROY R. DENISON
CHRISTOPHER S. DENNY
MATTHEW A. DENSING
RAVI M. DESAI
JOHN D. DESPLINTER
RYAN P. DEXTER
NATHAN P. DIAZ
ANTHONY D. DIBUCCI
PETER J. DICARO
JOHN M. DICK
RYAN M. DICK
MATTHEW J. DIGERONIMO
ROBERT J. DIRGA
JOHN E. DOLBY III
JAMES A. DOMACHOWSKI
BRIAN L. DORSEY
TIMOTHY D. DOUGHERTY
JONAS I. DOWNING
DENNIS T. DOYLE
SHAWN J. DOYLE
ALBERT L. DOZIER
CHRISTOPHER M. DRAGO
STEPHEN R. DRAPER
DOUGLAS A. DREESE
ROSS A. DRENNING
JOHN P. DROSINOS
MARIO V. DUARTE
GARY E. DUBIA
ENNO J. DUDEN
WILLARD E. DUFF III
DENNIS M. DUFFY II
DEREK D. DUFORD
ROBERT DUNCAN III
ROBERT T. DUNN
VU L. DUONG
JEAN J. DUPINDESAINTCYR
GREG M. DUSETZINA
MICHAEL L. DUTTON
JOHN R. DYE
PATRICK M. DZIEKAN III
BRIAN C. EARP
DERRICK W. EASTMAN
ROBERT H. EASTMAN III
GEORGE R. EBARB
DAVID K. EDGERTON
DAVID J. EHREDT, JR.
ROBERT E. EILERS, JR.
RANDY M. ELDER
BENJAMIN M. ELFERT
CHRISTOPHER J. ELLISON
JOSHUA C. ELLISON
MICHAEL P. ELROD
CAROLYN A. ENGLER
RYAN B. ERNST
SEAN C. ESPIRITU
TRAVIS M. ESTEVES
JAYSON E. EURICK
STEVEN C. EVERHART
JOSHUA D. FAGAN
JOSEPH E. FALS
MATTHEW D. FANNING
JEFFREY A. FARMER
SAMANTHA A. FARRICKER
GORDON F. FAULKNER
BRIAN J. FELLONEY
TIM L. FERRACCI
PAUL F. FISCHER
DOUGLAS G. FITCHETT
VAN R. FITZSIMMONS
LYNN N. FLEDDERJOHN
ANDREW D. FLEISHER
JONATHAN M. FLOYD
MATTHEW C. FLYNN
JASON M. FOGLE
JAY N. FORSGREN
ANDREW K. FORTMANN
KELSEY C. FOSTER
RICHARD P. FOSTER
ADAM H. FOX
JASON D. FOX
CHRISTOPHER T. FRANSSEN
JEFFREY B. FRANZ
DONALD M. FREEMAN
MARIO T. FREEMAN
PETER D. FRENCH
MATTHEW T. FRENIERE
JONAS FREY
STEVEN A. FUCHS
DANIEL R. FUCITO
KIRK A. FUGATE
NATHAN W. FUGATE
MICHAEL D. FULLER
LYNN M. FULTON
JOSEPH J. FURCO
JONATHAN M. FUSSELL
BRYAN S. GALLO
RAYMOND J. GAMICCHIA
DAVID A. GANCI
TIMOTHY P. GANTZ
BRADLEY J. GARMS
CASE W. GARRISON
SHAINE L. GARRISON
VICTOR J. GARZA
ERIC C. GATLEY
JASON R. GAUDETTE
WAYNE H. GAYLE
CHRISTOPHER T. GEORGE
DAVID M. GERACE
DONALD P. GERHARDSTEIN
CLIFTON M. GIBSON
CHRISTOPHER J. GIERHART
PAUL R. GIGUERE
JAMES M. GILLISON
BRADFORD R. GILROY
JOSHUA B. GLENN
RAY A. GLENN
VICTOR J. GLOVER
MARIACRISTINA GOMEZ
DANIEL R. GOOD
RYAN M. GORMLEY
MICHAEL A. GORSKI
JUSTIN D. GOSS
CLARENCE Z. GRAVES
SAMUEL A. GRAY
JOHN T. GREEN
WELLS W. GREEN
JOHN C. GREER
JUSTIN P. GRIFFIN
JASON D. GRIZZLE
DAVID W. GROGAN
JEREMY A. GROSS
STEVEN M. GROVES
MICHAEL C. GRUBB
MICHAEL S. GRUELL
EDGAR GUERRERO
KYLE L. GUILFOYLE
JAMES A. GUIMOND
DAVID A. GUNN
ARTHUR K. GUTTING
RYAN C. HAAR
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RONALD W. ZENGA
MATTHEW G. ZUBLIC
PETER M. ZUBOF
CHARLES B. ZUHOSKI

## WITHDRAWAL

Executive message transmitted by the President to the Senate on July 30, 2008 withdrawing from further Senate consideration the following nomination:

NAVY NOMINATION OF REAR ADM. ELIZABETH A. HIGHT, TO BE VICE ADMIRAL, WHICH WAS SENT TO THE SENATE ON FEBRUARY 5, 2008.