

President, this is why we don't do anything about it: 83 filibusters. As to each one of these, when we finish and get the vote on a motion to proceed, it takes 30 hours; once we get on the bill and file cloture again, into cloture invocation, another 30 hours. We can't do this. We have about 40 bills in this package, every one of them similar to the 5 I have mentioned.

So I hope people will work with me so we can give the American people some recognition that the Senate isn't going to be a graveyard for important pieces of legislation. Emmett Till, runaway homeless youth, pornography, Lou Gehrig registry, and the Christopher and Dana Reeve Paralysis Act.

I think the Republicans are going to have a choice. They can join the side of the American people or they can continue to stand beside a colleague intent on blocking virtually everything.

I hope we can work together as Democrats and Republicans to make this a week of progress, so the American people can recognize we are trying to do something to alleviate some of the problems facing this country. There are a lot of them.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration to the motion to proceed to S. 3268, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

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

Mr. BOND. Madam President, following up on the comments made by the majority leader, the American public is suffering record pain at the pump. Missourians are struggling with higher gas prices. They have said in poignant and perceptive letters to me that they are hurting.

Carol Shoener, in Braymer, MO, northeast of Kansas City, wrote my office asking that the Senate take action swiftly to stop rising fuel prices. She has to drive 25 to 30 miles to the nearest town with a hospital, dentist or pharmacy.

Juanita Highfill, of Bolivar, in southwest Missouri, is retired on a fixed income. She writes that the cost of gasoline is a real hardship for her family. Her son, a kidney transplant recipient with few job skills and limited ability, drives 30 miles one way to work a minimum wage job. His net monthly in-

come is under \$400, with gas taking \$250 of that, leaving him with \$150 per month for his life's expenses.

Anthony Meis, of Pacific, MO, west of St. Louis, is on a fixed income too. He follows the markets and knows that "once we pump more oil in our country, the speculators . . . won't have the same leverage of driving up oil prices."

It is time we get real about gas prices. The Democratic leader pointed out that there are areas where there is tremendous suffering across the country. Maybe it is time he realized we need to take some substantive, comprehensive approaches to the gas price problem. No more of these show activities, these empty promises, these peripheral issues. Let us hope he meant it when he said he would allow us to debate the issues and offer amendments. That is the problem.

The majority leader has been acting as a Rules Committee such as the House has, which says we can only vote on the things he wants us to vote on. He is going to try to cram a package down our throats with a whole bunch of bills—and many are good ones—without having an opportunity to vote. I want cloture and I want to talk about an energy bill. I want to vote on it and have people go on the record and show whether they are for dealing with this crisis—the gas prices and oil prices and a whole range of energy prices.

No more saying, no, we can't, to real action on gas prices. No more saying, no, we can't, to providing American families the relief they need. No more saying, no, we can't, to going after every option available, including increasing production.

We must say, yes, we can, to real action on gas prices. Any plan that has a real chance of lowering gas prices must say, yes, we can, to increasing production; yes, we can, to increasing conservation; and, yes, we can, to addressing speculation.

We Republicans have a plan that says, yes, we can, to each of these ways to increase production, increase conservation, and address speculation.

I hope the other side will join us to allow our plan for real gas price relief to go forward. I hope we don't get shut out. I hope the majority leader doesn't fill the tree, as he has in the past. I hope they will let us act on these important measures.

I hope the Members blocking real relief for the American people finally listen to what we are hearing from home. I hear it every day from constituents back home. Farmers, truckers, and families are all suffering from gas price increases. Families from the cities to the suburbs to our rural areas are all cutting their budgets to pay higher gas prices.

At stake are good jobs in places far from affordable hospitals, the ability to live near good schools and the ability to share in the American dream. All of these need affordable energy solutions.

Why are we refusing to help families any way we can? We are tired of hear-

ing the other side of the aisle tell suffering families: No, we can't.

Farmers—the great symbol of American bounty—are suffering. They provide for us. Why are we refusing to provide for them? They need affordable fuel to run their farm equipment, store their harvest, and ship their goods to market.

One of the biggest costs of food is that of transportation. Why are we telling those who produce our food, package it, ship it—why are we telling them, no, we can't help them with their energy costs?

Truckers across the country are suffering. Many trucking companies are small businesses. They are laying off workers and some are going bankrupt. Why are we telling struggling truckers, no, we can't?

The American people understand what is going on. They are smart enough to know that if you don't have enough of something, you go out and get more of it. It is economics 101. If prices are too high, it is because there is not enough supply and too much demand. Yet the leadership on the other side of the aisle, and the Democratic Party, have done everything they can to prevent more production of the bountiful gas and oil resources we have in our country. Of course, there was the 1995 veto by President Clinton of the Republican authorization to open drilling in ANWR. He said it would take 10 years to produce oil. Well, 10 years was probably longer than it would have taken, but that time has long past. We are missing out on a million barrels of oil a day that would have come from ANWR.

The Republicans have a plan. Our Gas Price Reduction Act takes real action on oil supplies. Right now, there are, at a minimum, 18 billion barrels of oil waiting for us off our Atlantic and Pacific coasts. That is 10 years of supply we are blocking from ourselves, stopping ourselves from producing.

The Gas Price Reduction Act will open these offshore areas and allow us to put the American oil to use for Americans.

For those who say it would take years to get, they ignore the immediate price-lowering effect of the news of new supplies. It happened last week. After the President announced suspension of the Presidential moratorium on offshore drilling, prices are down \$16 a barrel. It is now up to us in Congress to get off our duffs and do the same thing and bring immediate, long-term, lasting relief to American families and farmers. When Congress finally gets its act together and gives the go-ahead, we can see new wells being brought on, some in relatively short periods of time.

For those States concerned with opening drilling off their shores, our plan would allow States to opt out. If California doesn't want to participate, that is fine. But that should not block States such as Virginia and Alaska, where they want to drill.

For those concerned about the environment, as we all should be, the modern oil drilling technology the United States requires is so much more environmentally safe now than decades ago; it is so much safer than that which other countries require, and our environmental concerns can best be satisfied by allowing American production to go forward.

The terrible tragedy of Hurricane Katrina at least proved that modern offshore drilling is environmentally safe.

That hurricane blew over thousands of oil rigs in the Gulf of Mexico, with scarcely a drop or a bucket spilled.

Some say we need to use the oil leases we have before we can issue new leases. Well, welcome to the party, folks. That already is a requirement placed on current leaseholders. If the oil companies do not produce from a lease in 10 years—or even less in some leases—then that lease goes back to the United States and somebody else can try it. Many of the people making that argument lack a basic understanding of the lease program. There is a reason they call it exploration, because a lease is no guarantee that oil is actually present. You have to go out and use technology to find out if there is a good chance—drill a prospecting hole, after getting permits, to see if there is oil there.

A lot of leases have no foreseeable production on them. Some would call them goat pastures because they are good for pasturing goats, not producing oil.

Some claim their plans offer new supplies of oil. But they are only offering false hopes and half measures. Excuse me, I misspoke in calling them half measures. Half measures gives them far too much credit.

One Democratic plan is to raid the Strategic Petroleum Reserve and divert 10 percent of its volume to consumers. Putting aside that the reserve is only for national emergencies, such as times of war, and there are great dangers where we might need that oil, their plan would provide us exactly 3½ days' worth of oil, and then we would have no reserve for extreme emergencies.

The Republican Gas Price Reduction Act would provide struggling American families and workers the equivalent of 10 years of new oil supply versus a 3½-day supply. That is the most substantive production idea I have heard from the Democrats.

The facts are clear. The Gas Price Reduction Act is the only plan that will lower gas prices with real amounts of new oil supplies. Of course, there is much we can and we must do to use less oil and increase conservation.

The Gas Price Reduction Act includes incentives to foster domestic manufacturing supply base for hybrid vehicle batteries. I am particularly proud of the leadership role Missouri is playing in advanced vehicles and batteries.

We make hybrid cars and trucks at Ford and GM in Kansas City. We also have world leaders in advanced batteries in Kansas City. We know more cars and trucks partially running on electric power would save more oil. We would conserve more.

Kansas City autoworkers know the good pay such manufacturing jobs would bring. These families know the health care and retirement benefits those jobs bring. I wish to see us create more good-paying, middle-class-supporting manufacturing jobs making advanced batteries in the United States.

Right now, most all of the advanced batteries that go into hybrid cars and trucks are made in Japan, China, and Korea. With Asia controlling the battery market, supplies are tight and prices are high. The availability is not always there.

As we know, when prices are high, we need to increase the supply to meet demand. That goes for batteries as well as oil and gas.

The Gas Price Reduction Act provides new financial incentives to increase the U.S. domestic manufacturing supply base for hybrid vehicle batteries.

Mass producing hybrid vehicle batteries in the United States will get battery prices down, provide jobs for U.S. manufacturing workers, and reduce the demand for oil, helping us to conserve more and use less.

We should also address excess speculation, and the Gas Price Reduction Act does that. While a lack of new oil supplies is the biggest reason for high prices, we should make sure speculators are not distorting or abusing the markets.

When you look at the price of oil and the prospect of it going up, is it any wonder retirement funds are investing in long-term oil futures? CalPERS, the California Public Employees Retirement System, has invested billions of dollars for their public employees in a bet that over the long term, \$145 oil would go to \$200 to \$250. Other public employee retirement systems are making similar investment decisions. We need to increase supply so they will not do it.

Our farmers and commodity traders need buyers and sellers to make the market work. But we should never allow purely financial interests to abuse the market and make people suffer.

The Gas Price Reduction Act addresses potential speculation problems by putting more commodity cops on the beat to make sure our rules are respected.

We can also consider how to close loopholes that have sprung up to escape trading rules as markets have become ever more sophisticated and complicated.

Most important, anything we do must not make things worse. So foremost on my mind will be protecting farmers, producers, and consumers who depend on commodity markets. Air-

lines depend upon being able to get future supplies.

They have to be able to go after futures and not have them driven up by the expectation that there will be no more production out of the United States.

It is time for us to say, yes, we can to real action to lower gas prices. The Gas Price Reduction Act says, yes, we can to new production, increased conservation, addressing speculation. The American people deserve this real relief. I urge its immediate adoption.

I hope the Democratic leader will make good on his promise to give us the opportunity to have everybody vote on issues that will make a real difference; no more playing Rules Committee, no more saying I don't want this amendment or I am going to fill up the tree or I am only going to let you offer amendments I like.

Let us debate it. Let us have votes to see who is real about getting gas prices down and who wants to go through a show of motion to pretend they are doing it and hope to fool voters.

Mr. President, I yield the floor.

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

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### EMMETT TILL BILL

Mr. COBURN. Mr. President, I listened very carefully to the majority's leader remarks on the 83 supposed filibusters. I take great issue with that point. The process of filing cloture when a bill is filed and then filing cloture on the actual bill 30 hours thereafter has taken away from the Senate tradition. At 5:15 tonight, I have an hour reserved to go through and talk about many of these issues.

I wanted to take issue with the Emmett Till bill the majority leader mentioned. I actually support us spending money for that bill. What I don't support, and I don't think most Americans support, is the over \$100 million worth of waste every year in the Justice Department that has been documented by the Congressional Research Service, the Congressional Budget Office, as well as the Government Accountability Office.

The majority leader voted against an amendment when this bill was part of another bill less than a year and a half ago to take \$1.36 million out of waste in the Justice Department to pay for the Emmett Till bill. I met with Mr. Alvin Sykes. He is a hero of mine in terms of his fastidiousness and his commitment to accomplish a goal. And he is right.

But the overall point is: Will we continue to grow the Government at the same time we have tremendous waste within the Government? The issue we are going to have over the majority leader's growth-in-Government, spend-

more-money bill is about whether we will do the same thing that families have to do, which is make tough choices and prioritize.

It is easy to find \$1.36 million in the Justice Department of all the waste that is there. However, we refuse to do that. The majority leader refuses to do that. He refuses to get rid of programs that are not working and instead adds more programs.

This is a good program. I am totally for the intent of this legislation. What I am not for is sacrificing the future of America's children by us not doing our job, by us not making the hard choices and eliminating waste, eliminating duplication, eliminating fraud, and pass another authorization bill that will be spent when we have that kind of waste.

So the point is not whether we should go after civil rights violations from the fifties and sixties. The point is will we do what the American people expect us to do?

The majority leader claims this is a 99-to-1 issue. It is not. The real issue is that 91 percent of the American people don't have confidence in what we are doing. We ought to be a lot more worried about that, when we do not do what is expected of us—eliminate waste, eliminate fraud, eliminate abuse—and instead pass billions of dollars in more legislation.

I will spend some time at 5:15 p.m. delineating the potential bill the majority leader is going to bring up on bills on which I and 56 other Senators have holds. But it is inaccurate and undeniably in error to say I am opposed to the Emmett Till Justice Act. I am not. I am for it. I just believe we ought to do two good things instead of one good thing and one bad thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from New Mexico be recognized.

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

Mr. KYL. Mr. President, I wish to go back to the discussion about the subject we want to devote a lot of attention to this week, and that is gas prices. Senator BOND spoke to that issue a little earlier. We are going to be going to that issue tomorrow. It is critical that we address this problem before the August recess in a couple of weeks.

Forty-four Republicans have cosponsored the Gas Price Reduction Act, about which Senator BOND spoke. It is a balanced approach to our energy crisis. It recognizes the need for additional production, as well as dealing with the demand side. In other words, use less, find more, and to do so here at home, to use American energy to solve this American crisis. That way we can have more control over our own destiny, a point I will be making in a moment.

The other side, though, has decided to approach this problem with a very

narrow and limited approach dealing with so-called speculators. Speculators are people who trade in crude oil. There is a view that speculators actually affect the price when they buy it or sell it.

The first point I wish to make is the opposition always talks about driving up the price when speculators buy, but they never bother to mention that every time you buy, somebody else sells. So it is a little hard to see how speculators are responsible only for the increase. As a matter of fact, last week was the largest drop in oil prices ever in our history, at least in the last couple of decades, over \$20. I don't think anybody blamed the speculators for the decline, or maybe I should say they didn't cheer the speculators for the decline or drop in oil prices. So it is a little odd every time the price goes up, it is the speculators' fault, but when the price goes down, well, maybe that is the market forces taking control. The reality is that for every purchase, you have to have someone who is selling.

I did think it was interesting that the majority leader was here earlier and he actually attributed that decline to the fact that we were talking about legislation dealing with speculators. I see no evidence to support that claim and, in fact, I will cite some evidence quite to the contrary in a moment. But it reminds me of a great fable writer by the name of Stephen Leacock who tells the story about the two fleas on the back of the Roman chariot. They look back and say: My, what a fine cloud of dust we are creating. It seems to me that is pretty similar to contending this speculation bill caused the drop in prices. I think we all know what it was. When President Bush announced the end of the Executive moratorium on drilling, that is when the prices went down. As a matter of fact, Joseph Trevisani, who is the chief market analyst for a company called FX Solutions, said a few days ago:

President Bush lifted the executive ban on offshore drilling on Monday and by Friday crude prices had completed their sharpest fall in percentage terms since 2004.

He went on to say:

Oil traders are betting that this Congressional ban on drilling which covers 85 percent of U.S. Continental waters will not stand.

That is the point. When we start seriously talking about eliminating the ban on production, that is when prices will go down. Why is that? Speculators are actually very smart researchers who are trying to figure out whether demand will exceed supply or supply will exceed demand some time in the future—16 months out, 18 months, 2 years, 5 years, whatever it might be. They do a lot of research to try to figure this out. It doesn't take a genius to figure out that if you have a legal ban on more production and you lift that ban, obviously you are going to potentially produce a lot more crude oil. That increase in supply will obviously affect the price because it will then ex-

ceed the demand or at least it will keep pace with demand. That is simple market economics. That is what happened last week. It illustrates the fact that while there are those who say if we increase our production, it is going to take 3 to 7 years before we will see any of that production, the mere fact that we are getting serious about doing it was enough to reduce prices. I suspect if we actually pass a law that does it, the prices will decline even further and will continue to decline as progress is made toward increased production.

The reality is that prices rise and fall depending on a lot of events that are outside our control, and we need to bring more of those decisions within our control. There is a hurricane in the gulf. Iran is rattling its sword in the Middle East. Those kinds of things cause the prices to go up because there is a suggestion that the supply may be interrupted in the future. Then by the same token, we react to good news, as occurred last week. When the President says we are going to remove the moratorium that by Executive order has been placed on production and Congress says we are considering legislation to remove the congressional moratoria as well, speculators react to that as well.

The other side, which says it is all the speculators who are to blame for the rising prices, might as well blame the weatherman for bad weather. His job is to do the research and predict what the weather is going to be. Muzzling him and saying he cannot talk about the weather is not going to create sunny days next week. Those days are going to come because of weather factors, not because the expert in the field is predicting it one way or the other. It is the same thing with these so-called speculators who are in the business of buying, whether it is for an airline or a pension fund or for whom-ever. Their job is to try to determine what the market price should be at any given time.

I talked about trying to gain more control of it ourselves. Unfortunately, there are a lot of producers in the world that have an interest in increasing the price of oil and have the means of doing so by simply acting badly. I am speaking of countries such as Russia, Iran, and Venezuela. In Iran, we know they have rattled their sword in the past, and that not only advances their national policy goals, but it also has a tendency to cause panic in the market and, therefore, the prices go up because there is a view there may not be an adequate supply for the demand we have.

For example, I note the fact that all of the oil through the gulf—it is not just Iranian oil; it is from the Emirates, Saudi Arabia, Iraq, and other countries. About two-fifths of all globally traded oil goes through the Strait of Hormuz, and Iran is on one side of the Strait of Hormuz. They have their ships in the area. At one time or another they have tried to interfere with

the shipping traffic lanes through the Strait of Hormuz.

For example, in June 2006, the threat of Iran obtaining a nuclear weapon created quite a stir among New York traders, and that drove the price of oil up to nearly \$80 a barrel. In 2007, five armed Iranian boats approached three U.S. Navy warships in international waters, taking aggressive actions. The Pentagon described it as "reckless and dangerous." The incident only lasted about 20 minutes. As a result, there was a brief spike in oil prices as soon as that was reported on CNN.

The reality is that a country such as Iran can have an effect on the price of oil. What we need to do is get away from that kind of situation. The same thing is true of Russia. I talked about this the other day. Russia has a tendency when it wants—by the way, it is the second largest producer ahead of Saudi Arabia—when it wants to affect the price of oil or national policy, it can cut off the supply of oil or natural gas, and that can result not only in shivers running through the countries of Europe, particularly Eastern Europe which relies on this natural gas and oil, but also affects the world price.

I note that Gazprom, which is Russia's natural gas monopoly, controls a lot of other things as well. Its former chairman is Dmitry Medvedev, the new President of Russia. It alone accounts for 25 percent of the country's tax revenues. So this is a major deal.

Russia has used Gazprom as a political tool in more than one situation when it affected Ukraine after that nation allegedly failed to pay debts to Russia, or other European countries, such as the Czech Republic when it said it would cooperate with the United States in missile defense.

Let me conclude with Venezuela. President Chavez of Venezuela has repeatedly threatened to cut off oil from that country. A 2006 GAO report stated this cutoff could amount to increased oil prices of \$11 per barrel and would cut American GDP by \$23 billion.

The point here is that the United States needs to gain more control over its own destiny. We are the third largest producer in the world. We have vast resources of natural gas and crude oil, as well as other resources, such as coal, uranium, and others, but we have an aversion to produce in this country because of the not-in-my-back-yard problem associated with wherever that production might be. As a result, Republicans have proposed legislation that would remove the moratoria that currently preclude production and provide incentives to States to permit offshore. Even though it is far off of their State limits, in Federal waters, it would at least provide an incentive for them to agree to production offshore, thus enhancing American production and more control over our own destiny.

That is the point I want to conclude with. It is time to gain control of our own destiny. It will enable us to affect the prices ourselves by producing more and, thus, reducing prices, not relying so much upon other countries, which

can adversely affect the price by withholding production or creating conflict in the world. It will enable us to develop the resources safely in an environmental way, because we know how to do that. We know we can't conserve our way out of the problem. We know the so-called renewables can only meet a small fraction of our needs. And we further know that regulating speculators is not going to produce one additional drop of oil. So that is why Republicans have focused on more energy production—American energy for American consumers—as a way to become less energy dependent and affect the price in a meaningful way, a way which could permit us, as we saw last week, to drastically reduce the price of oil almost overnight if Congress were to pass this legislation.

I urge my colleagues, when we take this matter up, as Senator BOND said, to permit a full and free debate, and amendments that we have to offer here, so at the end of the day Congress can complete our work over the next couple of weeks by passing meaningful legislation to reduce the cost of oil and, therefore, importantly for American consumers, the price we pay at the pump.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. DOMENICI. Is the Senator from New Mexico recognized at this point?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that when I have completed my remarks, the distinguished senior Senator from Illinois be recognized.

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

Mr. DOMENICI. Mr. President, tomorrow morning, the Senate will begin the process of moving to debate energy legislation—at least that is what we are told, and we hope we do in fact have a good, honest debate about energy and that we on this side, which constitutes 49 Senators out of the 100, have an opportunity to offer 1 or 2 or 3, or some reasonable number, of amendments so as to make the case for the American people that in fact we want to produce more energy; that we want to both save energy and produce more; and we have every reason to believe that can be done.

With that in mind, we open the discussion, we begin the debate that should end up in a number of days of discussion on real energy legislation. And when I say real, I think the American people have awakened to the idea that Congress should and can pass legislation that will produce more oil for the consumption of the world and America, and thus have the strong potential for dropping the price of gasoline, lowering the price of gasoline at the pump. So we are here to begin the debate, a debate on how we might lower the price of gasoline at the pump by using less and producing more.

Now, before I talk about my prepared remarks, I am going to say it is common knowledge in the oil and gas industry of America and the world that offshore—off the shores of the United States—be it California or Georgia, there exist large quantities of natural gas and crude oil, and that there are ways today to discover precisely where that oil is and to build platforms that are impregnable, onto which the apparatus is moved for the drilling of oil, and that from one such platform 10 or 12 major wells can be drilled underground—way down, many feet, in fact miles below the surface—to produce oil and gas for the American people.

As we begin this debate, it is interesting to note that it has been 26, almost 27 years that these offshore oil and gas reserves owned by the American people have been locked up in a moratorium, either congressional or Executive. We note the other day the President lifted his moratoria, wherever they were around the United States. He lifted them. So what is left is the congressionally imposed, 1 year at a time—and we have imposed it for 26 years—moratorium on using this valuable resource because we were frightened and scared about the damage it might cause, the harm that might be caused by going out and drilling in the deep waters off the coasts of our country.

We have since found out, without question—during this 27 years of getting oil elsewhere and expecting oil to be cheap—we found out during that period of time that we can indeed locate and find and drill for and produce and deliver oil and gas from the bottom, way down deep from the bottom of the coastal waters of America. Huge quantities of oil and gas can be removed, can be piped out, with no damage and no danger to anyone. That was proven with Katrina. When Katrina happened, America had a number of platforms, deep-water platforms in existence, because some parts of the offshore were open and yielded large quantities of oil and gas. None of them was disrupted. None of them was broken. None of the pipes were broken, and no environmental damage occurred from one of the most severe problems that came with Katrina and the hurricane that followed, as we all know.

Experts now tell us the price Americans are paying at the pump is the result of global oil supply and demand imbalance. Having worked as a leader on energy legislation for 36 years in the Senate, I can honestly say I have never seen a problem so big being met with proposals and proposed solutions that are so small. Again, experts tell us it is a supply and demand problem and the legislation that will be before the Senate does nothing to address supply and demand.

Americans are clamoring for more energy production at home. They know

this is a serious problem that calls for serious solutions. It has been 81 days since I introduced a bill called the American Energy Production Act of 2008. Since that time, the Senate has failed to act on adding new supply measures. Since that time the price of oil has risen by nearly 15 percent, from \$112 to \$129 per barrel, even after last week's decline.

Over that same time period, we have seen the other side offer a windfall profits tax that has been uniformly rejected by nearly all energy and economic experts across the ideological spectrum. In fact, the architect of this very concept in the Carter administration has said that "it's a terrible idea today."

On price gouging, an issue once dismissed by top economic advisers to Senator OBAMA, the other side abandoned their flirtation with this issue after confirming it was grounded in fiction and unsupported by any evidence.

Then the majority sought the authority to sue OPEC, the OPEC nations, in the Federal courts of the United States for withholding energy supplies. Perhaps the other side decided to abandon this concept when they realized how much energy supply the Congress was responsible for locking up.

Finally, the majority sought to increase taxes on the domestic energy companies, believing that increasing their business costs would somehow make it easier to compete with much larger national oil companies in their quest for global commodities. Having failed repeatedly to achieve success in increasing taxes, the other side has now decided to do so under the auspices of additional production.

I have said before on the Senate floor in much greater detail that the "use it or lose it" concept is an uninformed and ill-conceived policy that will harm all our energy security and increase our energy costs. In the midst of all these failed ideas, the majority brought a climate change bill to the floor of the Senate that was estimated to increase gas prices by as much as \$1 per gallon over the coming years and would have resulted in even greater price increases for overall energy costs.

The assertion that the majority knows how to deal with the problems of high energy costs is discredited by their continuous attempts to advance policies that will raise the prices even higher. That is how we have arrived here today. After a series of failed ideas and counterproductive policies and counterproductive policy proposals, the other side seeks to set up another smokescreen against the force of overwhelming public opinion, and Senate Republicans united to increase domestic energy production.

The other side seems content to create another politically motivated diversion from the serious problem which stares us in the face. And lo and behold, as we start this discussion, the American people have seen through it

all and they have come to the conclusion that it is time, as they put it, to drill for more oil and gas if it is ours. We have called it exploration off the shores of America, where much oil and gas has been locked up for 27 years, where we have imposed moratoria based upon our concern and our fears that should not have existed. We tied up the oil and gas that belongs to Americans, and they are saying "get on with it." No more smokescreens, no more politically motivated diversions. Let's stare this problem right in the face and get on producing more and saving more. I repeat, in all my years in the Senate I have never seen a problem so big met with a proposed solution that is so small.

But I do not come to the Senate floor simply to reject the ideas of the other side. I rise to speak today, to share with the Senate some ideas supported by facts about how we can address the serious supply and demand imbalance that confronts us. My proposed American Energy Production Act, as well as the Gas Price Reduction Act, introduced by our Republican leader, Senator MCCONNELL, would help ensure an adequate and affordable supply of energy in both the near term and the long term.

The legislation introduced by Senator MCCONNELL and by the Senator from New Mexico, myself, would allow Atlantic and Pacific States to initiate oil and gas production from the deep seas, regions that are believed to contain, at a minimum, 14 billion barrels of oil.

We know this is a minimum because we have not bothered to inventory these deep water assets for 20 or 30 years or more. We must understand that during this period of time, with new techniques, new technology, new ways of discovery and new ways of delivery, these underwater reservoirs are going to yield much more oil and gas than we ever imagined, as we looked at them with old-time techniques, 20 and 30 and 40 years old.

This legislation would reverse a congressional ban on regulations for oil shale leases—the "rules of the road" that industry must have before they will invest in significant resources. That is another asset we have which exists in three Western States. We need the rules of the road which have been locked up, again, by a moratorium imposed in the Interior appropriations bill in the dead of night, with no debate and no one to watch it. That must be removed so that giant potential for oil will be the source of investment by oil companies that seek new and innovative ways to turn that shale, which abounds in oil, into usable oil or usable diesel, which could certainly alleviate America's problems.

We also propose establishing a program of direct loans and grants to accelerate the production of advanced batteries in the United States. These are crucial to advanced vehicles such as plug-in hybrids, which promise to

reduce our Nation's consumption of oil and our greenhouse gas emissions. Thus, we will be producing more and using less because, with this battery research reaching fruition, producing batteries that give many more miles for the wheels that carry the electric cars—clearly, when we get that we will be saving oil because we will not use as much gas to service our automobile fleets.

These batteries are critical to advanced vehicles, the plug-in hybrids which we are talking about, and which hold so much promise.

I am also willing to look at ways to improve the transparency of the markets and the ability of the Commodity Futures Trading Commission to enforce its authority. The legislation introduced last month by the Republican leader would strengthen our oversight of the markets by adding more enforcement and increasing transparency. Republicans are open to working with the majority on speculation. It is time now for the majority to work with us on production. Production is a far bigger part of the solution to the American concern for ever-escalating prices of gas for automobiles and natural gas for use in various parts of our daily lives.

I look forward to an open debate. Clearly, the issues we attempt to address on the production side and on the side of saving through electric automobiles are a much bigger part of the American problem than the problem that the majority leader attempts to solve in his antispeculation bill, which a number of us have had a chance to read now and to discuss with experts. We will have more to say about it. Suffice it to say that it would certainly not be a major part of solving the energy problem for the American people. There is no question about it. All you would have to do is submit the bill to anybody who knows about commodities and about futures markets, and they will tell you that bill we are going to talk about is not calculated to do a lot of good.

As we move toward a new policy, it is important that we do so with every good intention. We want the majority leader to know we respect his approach to bringing up, through rule XIV, his bill. But we believe we are entitled to offer amendments to it—certainly not just one but enough amendments to make our case.

The Democratic leader wants to talk about speculation. We say let's also talk about production. There is no question, if you are going to talk about the problem confronting the American people, and you put up a speculation bill—that you are not even sure will work, but it is there—that those who have some real interest in increasing production deserve an opportunity to offer their amendments and to be heard.

To address this imbalance it is logical that we seek policies to increase our supply and decrease demand. I urge my colleagues on the other side to join

us in this effort and do something big for the American people because the problem is big. It is not a little problem. It is a very big problem.

I believe the next 3 or 4 days will shed some light for the American people on the issue of whether they, the American people, own the substantial quantities of oil and gas that are off our shores that in the next few years can be the subject matter of new modern techniques for drilling and gathering the oil and gas for use by the American people, thus reducing the heavy pressure put upon the world's supply of oil and natural gas.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The assistant majority leader.

Mr. DURBIN. Madam President, this is an interesting debate because it is really coming down to some different points of view. As both sides present their cases, I am sure the American people will listen carefully because there is hardly an issue we can discuss that hits each and every family and each and every person so personally. This is the sign that you see in front of the gas station every morning when you drive to work, every weekend when you start to fill up. This is what you face when you go to fill up that car or truck and reach into your wallet for your credit card or cash and realize this is the most you have ever paid for gasoline in your life.

This is real. This isn't some theoretical possibility that it may affect your life. This debate is about reality. So it is important that the people who are following this debate understand there are two very different points of view.

The view expressed by the Senator from New Mexico is one that I think most Republicans now espouse. It is this: if we could just drill more oil, we would have a larger supply, and it would bring down the cost. If the cost goes down, then the price of gasoline goes down and, thank goodness, we will get some relief at the gasoline pump.

It is a good theory, and it is their starting point, but it has some weaknesses. The first weakness is, if you take a look at all of the oil the United States has within its boundaries and offshore, all of this, the estimate of all the oil we could reach at any given time in the United States represents 3 percent of the world's supply of oil. Most of our oil comes from other places—Canada, Nigeria, Saudi Arabia. Our oil, U.S. oil, is 3 percent of the world's total. How much oil do we consume in the United States? We consume 25 percent of the world's production. We cannot drill our way out if we drill every drop of oil available to us anywhere, onshore and offshore. We could not meet the clear demand of the largest economy in the world.

Simply, drilling does not answer the challenge. It ignores the reality that China, India, and many other countries which, for the longest time, didn't use

as much oil as the United States, now are starting to use more—more cars, more trucks, more industry. Their demand for that same world oil supply is putting a strain on the market. There is no question about it.

The second question, obviously, is, is there a place, someplace in the United States—either onshore or offshore—where there is the answer to our prayers immediately, where we could say: For goodness sake, clear the decks, stop the regulators, get the derricks out, and let's drill. Bring out that oil and, for goodness sake, bring down the price of gasoline. Is there such a place?

The answer is no, honestly, because those who are involved in the industry tell us anytime we decide to drill on another acre of land, it is a decision which will lead to production of oil anywhere from 8 to 14 years from now—8 to 14 years. Why? They have to go in and map the land. They have to figure out where the oil might be. They have to do some testing. They have to find some equipment.

Incidentally, all the oil equipment for offshore drilling right now is in use. There is nothing like an inventory waiting to be dragged out and put in just the right spot. It is not there. It takes years to get in the queue, to bring these oil exploration operations on line. Once they are on line, production starts slowly and builds. And that is the reality that explains the 8 to 14 years.

So we do not have any oil in the United States to take care of ourselves indefinitely, and we don't have this mother lode of oil somewhere that if we could just tap it tomorrow, it is going to answer our prayers.

Then there is the third issue. The third issue is the Federal Government, which controls a lot of land within the United States and off our shores, continually offers to the oil and gas companies the opportunity to lease that land and explore it for gas and oil. If you listen to the other side, you would think we are squandering—holding back all of these oil and gas assets from oil and gas companies and daring and defying them to go forward with exploration and production. That is not the case.

President Bush and the Republicans and the oil companies want to greatly expand the available areas for drilling. But is it responsible? The Federal Government already offers tracts of land in offshore regions for oil and natural gas development. In fact, nearly 94 million acres of U.S. territory—that is a larger landmass than the size of the State of Utah—is currently under lease to the oil and gas companies who believe there is oil and gas to be found. That is twice the size of the State of Pennsylvania currently under lease.

It is not as if access has been restricted. The Government leases millions of new acres every year. An additional 4.6 million acres of Federal land was leased in 2007. The Bureau of Land Management has held 21 onshore lease

sales already this year. Last week a sale was held for nearly 63,000 acres. BLM has 18 more lease sales scheduled through this year. Offshore lease sales have proceeded at an even faster pace.

Since the beginning of 2007, the Minerals Management Service has held six lease sales for open areas off the Outer Continental Shelf in the Gulf of Mexico and in Alaska's Chukchi Sea.

How much offshore oil land has been offered? It is 115 million acres that has been offered to the oil and gas companies for a lease on which to drill. How big a territory is 115 million acres?

Most people, certainly in my State and around the country, know Interstate 80.

It starts over here in New Jersey and ends in California. If you were to take a 628-mile swath along Interstate 80 from New Jersey to California, that would represent 115 million acres. That is what we have offered to the oil and gas companies to lease; land they can look at and explore and find oil and gas and produce it.

The oil companies, that said they do not have enough land to look at for future oil and gas, have responded by saying they would like to have 12 million acres, that is the amount of seabed the oil companies put bids on, barely 10 percent of what we offered them.

In my I-80 comparison, that would take you from New Jersey to Pennsylvania, about 310 miles. Look at the big stretch they are not interested in bidding on. We hear from the Republicans: There is no place for them to turn. But when we offered them the land, they turned it down. They are not using the leased land they currently have either. This next chart shows there are 68 million acres of Federal land currently leased to the oil and gas companies. What you see is kind of a shot of the Western part of the United States. The leased land that is under production is the dark areas, the black areas.

The red areas represent leased land by the Federal Government to the oil companies that they pay for—they do not force them to take it, they pay for it, they pay an annual lease for the right for oil and gas production. The red areas represent areas they lease and are currently not exploring or producing on.

So you see the argument that there is not enough land out there for them to look at defies explanation. When we open it for bid, they will not bid on it. When they do lease it, they do not explore it and use it. Does that sound like there is a lack of supply here of land that they can turn to? That is the Republican argument.

They do argue that there is one little spot, one spot in the United States of America where they can find oil, the Arctic National Wildlife Refuge, 1.56 million acres. Now how much is there? I do not know. But I will tell you that next door to the ANWR is the National Petroleum Reserve of Alaska, which has been established specifically for oil and gas development.



There are 23 million acres of land there available. We have held four lease sales in that area since 1999. So far they have leased 3.6 million acres out of the 23 million. We are going to try to lease some more there to see if there is any interest. All this talk about Alaska being the answer to our prayers, they do not explain as well that it is 10 or 12 years away, if there is any production, and when, if it ever came in, even at the wildest estimates, it would not have any impact of more than pennies or nickels on the actual cost of oil and the price of gasoline.

I joined with Senators DODD and MENENDEZ to charge oil companies a fee for every acre they lease but do not use for production. I have heard critics on the other side say that is unfair to the oil companies. Why should they be able to tie up the land if they are not going to use it? Should not we make it available to oil companies that might explore and might produce on that land? Is that not what we need? Even the Republicans would have to agree with that argument.

When it comes to offshore drilling, I mentioned the 68 million acres. The red areas are Federal offshore land leased to oil companies which they are currently not exploring or producing on. The dark acres, they are. There is a lot of land available.

I wish to say a word about speculation too. We have offered to the Republicans the following. We have a bill, a bill which I was at least partially responsible for writing, which says we need more regulators to keep an eye on speculation when it comes to oil and its prices.

I think that is something that is eminently reasonable. This is a good indication. In the year 2000, 37 percent of the oil futures market was for speculators. These are basically investment companies, investment banks. And 63 percent represented companies that were actually hedging the price of oil, because they used oil, such as airlines.

Look how that has changed in the last 8 years. Seventy-one percent of the oil futures market is in the hands of speculators who literally never take control of the oil they are bidding on, and only 29 percent represent companies that use it for the purpose that most of us would agree it should be intended.

So we know speculation is growing when it comes to oil, and we know the transactions have gone up 600 percent in the last 8 or 10 years. The size of the agency that regulates it has not; in fact, it has declined. We want to put 100 more regulators, overseers, in this agency to keep an eye on this energy futures market to see if there is excessive speculation or even manipulation and do something about it.

The bill I introduced, and the one that is included in the Democratic plan, would increase by 100 the number of full-time employees involved in regulation. We would also put more money into computer technology so they can

follow these markets even more closely. We would have more transparency when it comes to these markets so we understand who is trading what and when, so if we see big movements in the market, our people who are keeping an eye on it can look more closely.

I think most agree we want to bring more markets into regulation, not just NYMEX in New York but the ICE exchange in London. They are agreeable to this regulation. We would also like to bring in, if we can, the over-the-counter markets, which frankly we do not even know the size of. There are companies that are involved in swaps and over-the-counter trades, done almost on a private basis with no disclosure. We do not know what is going on in these markets. I think we should.

So this kind of disclosure and transparency is part of it. We also try to make sure that as we do, in many other commodities, that we limit the size of trades. If you are involved in this futures market, because your airline needs to make certain that you are not burned by future oil prices, we want you to be able to trade. That is a so-called commercial use of the futures market, a healthy thing. Southwest Airlines has proven that. But for those in the market simply to play the game, to speculate, we think there ought to be a limit on how far they can go.

I think that may be one of the major differences between the Republican and Democratic positions. But the point I wish to make is that speculation itself is not inherently evil. Excessive speculation should be followed carefully to make sure that it is not getting out of hand. Manipulation is absolutely unacceptable.

Now, some on the other side—Senator KYL of Arizona—got up and said what is happening in futures, as a matter of fact, is give and take, supply and demand, things happen, and people try to guess whether they are going to impact the price of oil.

Well, there are a lot of experts who take a look at the future price of oil. This chart tells you that one of the Federal agencies that is involved in this, that we spend a lot of money on, has been giving its estimate since May of 2007 of what would happen to the price of oil.

Here it was starting at \$65 a barrel. They said in May of 2007, it was likely to go below \$60. Then, in July of 2007, they made a new estimate. They said: Well, it is now \$67, \$68 a barrel, it will probably be going down to \$66 a barrel, and so forth. So you can see the lines of their predictions. These are the experts hired by the Federal Government who took a look at market conditions, supply and demand, and made the flowing estimates on where the prices could go.

This red line, incidentally, reflects what happened to the prices. This is how much they missed it. They did not see that it was headed north of \$125 a barrel and did not even expect that to happen. They did not find any market

conditions that would drive it up that high. That is why some of us want to ask the question: How much of today's current price of oil and price of gasoline has to do with market speculation?

There are a lot of different points of view. Here is Secretary Bodman's point of view, June 11 of this year: The reason we are looking at these very high prices for oil is strictly supply and demand.

That is the administration's position. No surprise. Our President and Vice President come from the oil industry. The oil industry has done pretty well under their watch. The people they have appointed to the Cabinet think this is the market at work.

But there are others on the outside who see it a little differently. The New Jersey Star Ledger, January of this year: Experts, including the former head of Exxon, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

And here is a specific individual, Stephen Simon, a senior vice president at ExxonMobil, testifying under oath before the House of Representatives, who said: The price of oil should be about \$50 to \$55 per barrel.

It is more than twice what it ought to be. So when we want to have more resources to look at speculation in the energy futures market, I do not think it is unreasonable. I think we can protect the legitimate commercial application of the futures market for airlines and others, those that need it, and still do our best to slow down excessive speculation and manipulation that lead to higher prices.

We have been trying to get an agreement with the Republicans about how to proceed because I think the worst thing that can occur is that we do nothing. We want to do something.

First, address speculation with the Democratic bill. We have said to Republicans: Offer your version. If you do not want to offer a bill, vote against ours if you wish. But we offer you this opportunity to put your amendment on the floor on speculation, whatever it happens to be. We will go head to head, one amendment against the other. We will have a pretty good debate, I am sure. We will have the same vote requirement for both. We will let the Senate work its will. It is a 51 to 49 Senate. It takes 60 votes to pass a measure of this complexity. Let's see what happens. I think that is fair. How can they argue? They get to write their own version of their amendment. If they do not think speculation is an issue, they do not have to offer anything.

The second thing we offered them is: Prepare the Republican approach to dealing with the energy crisis, put it in a package. You write it, we have nothing to say about it, as long as it is clearly about energy. Put yours on the table. We will put ours on the table.

Let's debate both of them. Let's vote on both of them. Let's have the same vote requirement for both of them. At the end of the day, let's see who prevails. I do not think that is unreasonable.

Now, there are some on the other side, the Senator from New Mexico mentioned earlier, who want to offer more amendments. I am not opposed to more amendments. But there is a reasonable limit to this. We would like to end this in a timely fashion, so we can actually get something done.

If there are those who want to filibuster or run out the clock on either side of the aisle, then I cannot say I am going to support that point of view. This could be worked out. It should start this week. This ought to be an issue we can resolve, at least the debate, before we leave next week. We can do it. I think if we have a meeting of the minds, and a fair approach, we can see that done in the very near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, first, let me thank the assistant majority leader, the Senator from Illinois, for his comments. I was listening intently to his message, which I think is one that is very important for this Nation.

The Senator talked about the fact that there is a significant amount of land currently available for drilling, and for reasons that are a little bit unclear, the oil industry has decided not to drill in those areas.

He also expressed his confusion, as I do, as to why the Republicans have come forward and said: Let's talk about the energy issue, let's do something about it.

But when it comes time to vote as to whether we can proceed on a bill that is important for our energy needs, the Republicans seem to vote against that so we cannot proceed.

We had a bill before us that would have dealt with renewable energy sources and would allow us to deal with solar and wind and biomass and biodiesel. The Republicans refused to allow us to move forward on that, requiring the 60-vote threshold so we could not move forward on a major bill dealing with renewables, which is clearly an important part of an energy policy for this Nation.

We had the Consumer-First Energy Act, legislation that would have brought forward a way to deal with the immediate cost of energy. The Republicans refused to allow us to proceed, used the filibuster to block that legislation that would have dealt with issues such as the oil cartel and the anticompetitive procedures they use to control supply and price of oil or to deal with price gouging or to look at ways we could take some of our resources and put them into renewables so we have a policy for the future or to deal with oil speculators.

But, no, the Republicans used the filibuster to prevent a full debate on the

floor of this body to talk about the energy policies of this country. So I return to the floor to tell Marylanders and the people of this Nation we need to do something about this. Marylanders are hurting today. I have talked about this before on the floor.

I can take you to some homes of seniors who are making a very difficult judgment not to use air-conditioning this summer during these oppressive days, which may very well jeopardize their health, because they do not have the money to pay for their utility bills.

They are making these tough decisions today in my State and States around the Nation. I could give you examples of independent truckers who are located in Maryland who do not have the money to fill their trucks with fuel because of the high cost of gasoline.

They don't know what they are going to do, whether they will be able to stay in business. I can tell you of small business owners I have met who tell me they don't have any alternatives. They have to use their cars for business. They have to fill up the car with gasoline, and they can't afford to do it. They are using their personal credit cards, the most expensive way to borrow money, because of the high cost of gasoline. They are looking to us to do something so they can stay in business.

I could take my colleagues to families who have to make tough judgments as to whether they can fill their gas tanks with gas or buy groceries because of the high cost of gasoline.

I met with people from the nonprofit community. We had people in from Meals on Wheels, volunteers who deliver food to people who can't get out of their homes and depend upon a nonprofit in order to get meals. In these tough economic times, there is more and more demand for their services, but their volunteers can't afford to fill their tanks with gasoline. They are doing on it their own, because we are asking them to pay the extra cost of the fuel. They are having a tough time being able to carry out their nonprofit mission, which will put more pressure on governmental services.

The list goes on and on as to why we need to deal with the energy crisis now and why we should have dealt with it before but for the filibusters Republicans have used.

The Republican answer to this problem seems to be to drill. Let me take up that issue for a moment. Most recoverable offshore oil and gas is currently open to drilling. Today most of our offshore oil areas are open to drilling. According to the Minerals Management Service, 79 percent of recoverable oil is currently open to drilling and 82 percent of recoverable natural gas is currently open to drilling. According to the Department of Interior, only 21 percent of the Outer Continental Shelf is actually in production. My friend from Illinois gave the numbers: 68 million acres of the 90 million acres of the Outer Continental Shelf are not in pro-

duction today. There is plenty of area available for drilling, but the oil industry has chosen not to drill in those areas. Instead they keep on mentioning ANWR, the Arctic National Wildlife Refuge. That is a pretty sensitive environmental area. We all know that. We know the risks involved in drilling in ANWR. It would represent .6 percent of the world's supply. The National Petroleum Reserve in Alaska, which has been set aside for oil exploration, currently has available but not in production more oil reserves than are in the Arctic National Wildlife Refuge. So this isn't a point about where we have oil, we need to drill in order to get it. We have oil available. But the oil industry has chosen not to do this.

According to the Energy Information Administration, projections in the Outer Continental Shelf access case indicate that access to the Pacific, Atlantic, and eastern gulf regions would not have a significant impact on domestic crude oil or natural gas production prices before 2030.

The reason is we don't have a lot of oil in the United States. If we include all of the oil reserves, we have 3 percent of the world's reserves. We use 25 percent of the world's oil. We have 3 percent of the world's known reserves. So even if we produce at maximum capacity, we will not have a major impact on the pricing of energy.

It is for that reason I want to show this chart showing remarks from T. Boone Pickens, who said:

I have been an oilman all my life, but this is one emergency we can't drill our way out of. . . .

He goes on to point out:

. . . But if we create a new, renewable energy network, we can break our addiction to foreign oil.

If we produce every drop of oil we have in the United States, we are still going to be dependent upon foreign oil. We have to break our dependency on foreign oil. As Mr. Pickens points out, either in the short term or long term, oil is not the solution to our energy problem.

Having said that, I do believe we need to produce oil where we can. I am baffled as to why the oil industry is not using the 79 percent of currently leased area to produce more oil that would certainly be part of the solution to the energy problem. We can't drill our way out, but we certainly should produce what we can. Maybe this chart helps explain why the oil industry is not drilling where they can. The blue line represents the price of gasoline, showing when it was about \$1.50 a gallon, going up to now where it is close to \$4 a gallon. The red line represents the profits of the oil industry. It is amazing. As gasoline prices go up, oil profits go up. These are quarterly profits. So one might suspect that the oil industry is not exactly interested in bringing down the cost of gasoline. Their profits go up, as the costs go up. Maybe that helps explain some of the reason why production is not at the maximum capacity we currently could have.



Let me urge my colleagues as to what we should be doing. In the short term, we need to look at a lot of different alternatives. Again, I am for producing what we can in an environmentally sensitive way, but I urge my colleagues to consider S. 3268, the excess speculation bill. Let me try to make this clear. We are dealing with what is known as index speculation. These are speculators who never take the product. They are allocating a part of their portfolio to oil futures. It is an investment for them. It is not a commodity transaction. These are not airline companies or trucking companies that do want to buy futures in oil because they need that for their business. They are going to take the product because they need the product. These are pure speculators.

According to Michael Masters, a hedge fund manager, index speculators added to the supply equal to China's increase in demand of oil over the past 5 years. That is a dramatic amount of activity in the marketplace. It is equal to 70 percent of all the benchmark crude trading on the New York Mercantile Exchange; 70 percent is in index speculators. Just 7 years ago it was 37 percent. So we see the dramatic increase over the historic levels of commodity trading.

My friend from Illinois indicated that perhaps oil should be at \$60 a barrel. Masters says \$60 to \$75 a barrel, if Congress fixed the loophole in index speculation. Edward Krapels, an energy security analyst, says it is 50 percent of the pump price. I am not an economist. I don't know what it is. But I do know this is something we can do, and it could have an immediate impact on the price of gasoline at the pump. That is what my constituents are asking us to do. This is something we should do. We should not let speculators add to the price.

S. 3268 reins in index speculation. It provides higher margin requirements for those who speculate, more disclosure. This is common sense. Let's get this done.

If we are looking for other things we can do to help in the short term, let me encourage my colleagues on the other side of the aisle to withdraw their objections to the bill Senator SANDERS has introduced that would add resources to the LIHEAP program. That is for energy assistance for low-income families. If we are looking for who has been hurt by the energy crisis, it is low-income families throughout America. Let's do something to help them. Let's target our relief to those who have been disadvantaged as a result of what has happened to energy prices.

These are some things we can do that can have some impact in the short term. I must tell my colleagues, I hope we don't leave this debate without talking about what we need to do in the long term so we don't come back to this issue. I would hope that in the 1970s we would have learned our lesson, with long gasoline lines, and done

something for energy security in America. But we need to become energy independent. We need to become energy secure. We need to do this for national security reasons. I need not remind my colleagues that we have committed our Armed Forces because of the vulnerability of America to oil. So for national security, we need to become energy independent.

We need to become energy independent for our environment. Global climate change is real. Using less oil, fossil fuels will make us a cleaner country and will help our environment. It is something we should be doing.

We came close this year to moving forward on a global climate change bill. We should do that for the sake of our environment and our energy policy. What we have learned over the last several months is that when we don't control our energy, when we are dependent upon other countries for our energy needs; i.e., oil, overnight we can see a huge increase in the price of energy which can have a devastating impact on our economy. I don't know what the right price is for energy, but I do know if we controlled our own energy sources, our economy would make that judgment, not some country halfway around the world that decides how much oil will be available to the U.S. consumer.

For all those reasons, we need to become energy independent. One way we can do that—and we have all agreed—is to be more efficient in the use of energy. Last year we came together and increased the CAFE standards. If we had done that 10 years ago, the energy savings today from an increased CAFE standard on an annual basis would equal three times the amount of oil we could get from ANWR at maximum production. Energy efficiency works. It has to be part of our energy policy as we move forward.

Yes, we have to deal with alternative and renewable sources. We have to deal with biofuels and wind and solar. I also believe we need to have responsible use of nuclear power. I think that is an important part of an energy policy that makes us energy self-sufficient. We can do that.

We need a national commitment. We made that type of commitment, as we did before, when our national security was at stake during World War II. We can do it again. We can be equally successful.

I have an offer to my colleagues. On behalf of the people of Maryland and of the Nation, let's get together on this. This is a national priority. It should not be a partisan issue. This is an issue Americans are asking that we deal with, that we become energy independent, that we do what is responsible in the short term to help those who have been victimized by the extreme increase in energy costs. Let's work to do that. Let's take out the profits of the speculators. Let's deal with those who have been victimized and then work together to develop an energy

policy for America that will truly make us energy independent so that we can control our security, our economy, and be good international citizens on the environment. We can do all of that by working together and putting America's interests first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I believe under the unanimous consent, I have an hour to speak. I ask unanimous consent that I be allotted an hour to speak.

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

Mr. COBURN. I want to spend a little bit of time this evening talking about motivations, talking about a realistic assessment of where we are and then merge those two things with some of the actions that myself and others in the Senate are doing.

One of the things we all know but we do not like to talk about is the significant, unsustainable course our country is on. Numbers can be really boring, but they are not boring when you apply what is going to happen to our children and grandchildren.

This first chart I have in the Chamber shows Government spending as a percentage of GDP. It has gone higher than that at times of war in the past. But here is where we are today at 2008. We are right around 20 percent. These are not my numbers. These are Government Accountability Office—these are the Medicare and Social Security trustee numbers. If we do not start doing something about wasteful Washington spending, about reform of waste, about elimination of fraud, about duplication of programs—2 or 3 or 20 doing the same thing, none of them doing it efficiently—what is going to happen to us under our current policy is that by 2038 we are going to have 35 percent of our GDP spent by the Government.

Well, what does that really mean? What happens to us when 35 percent of everything we produce comes to the Government and the Government deals it back out? Well, what it really means is less liberty. What it really means is less freedom. Because what it does is it takes the resources of Americans out of their pockets and out of their families and transfers it to a government bureaucracy that then mandates how dollars will be spent.

These numbers are not disputable. Nobody will dispute this is the roadmap we are on. As shown on this chart, this is where we are going. What happens is, the results of that become a markedly lower standard of living for our children and grandchildren. As we look at that, we see other things that are happening to us that are very harmful. As a matter of fact, they are affecting us greatly right now.

The debt held by the public—that is debt that is exclusive of the money we have stolen from Social Security, from Federal employees' retirement funds,

from the Inland Waterways Trust Fund, and from about 60 other trust funds the Government continually steals excess money from and spends but does not recognize the debt—that is exclusive of all this. This is the debt that is out there that people have actually bought: T-bills or Treasury notes or Treasury bonds. About a third to 40 percent is now held by foreign governments.

If you think this cannot impact us as a nation, we need to think about what happened when France and England started to take the Suez Canal back from the Egyptians, and because we owned the majority of France's and England's debt, we said: If you do this, we will put your debt on the market. We will collapse your economy. So, consequently, two allies of ours did not do a very foolish thing and, through the economic power we had of owning their debt, we accomplished very powerful foreign policy objectives.

Well, the reverse of that is about to be true for our country when we have \$300 billion to \$500 billion sitting in China today, when we have \$300 billion to \$500 billion sitting in the Middle East. What would happen if they decide to dump our debt? So by being less than fiscally proper, by not being frugal, what we have done is put our foreign policy at risk by having a larger and larger percentage of our debt held by foreign sovereign governments.

As you can see by this chart, what is happening is, in 2008, we are at about 20 percent of our GDP being held by the public. But another 20 percent is internal in terms of what we have stolen. As that rises, the risk to our children, the risk to our Nation, the risk to us for an effective foreign policy—because we are now leveraged by what someone might do with our debt—starts impacting us in a tremendous way.

The other trend that is not sustainable and even more worrisome is the makeup of our GDP as a percentage of the Government, the things we really have not fixed or have not addressed. If you look at our total revenues, which are estimated to be around 20 percent, if they stay historically at that level, how much we take from the Americans—which we are not going to if we are going to maintain the programs of Medicare, Medicaid, and Social Security—but if you leave them there and then you look at the growth of Government that is mandated just on demography alone, just on the fact that the baby boomers—my age—are growing old, what we see is that Social Security rises, Medicare rises, Medicaid rises, but net interest becomes over 50 percent of everything we pay out. Notice all the other functions of Government actually decline. The things that make a difference in your life every day actually get squeezed down.

So we are on an unsustainable course. There is no question we are on an unsustainable course, and we have before us today—the majority leader spoke about introducing a bill. I want

to spend a little bit of time talking about the bill. We have not seen the bill. We are guessing what is in the bill—but a bill that is going to spend between \$25 billion and \$50 billion more, is going to create over 77 new programs, is going to grow these numbers even more.

That bill is coming about because myself and several other Senators have refused to allow those bills to go without debate on this floor and without the ability to amend them. Now, some of them are very good things we ought to be about. But we should not be about it until we are going to inculcate and act as Senators the same way every other family in this country has to act; that is, by making a decision based on priorities. If people get to take a vacation this year, they are taking that vacation because they have scrimped somewhere else to be able to afford the fuel, to be able to afford the cost. They have made a decision within their family budget that what they are doing is a priority compared to the other priorities. Well, the American public is not surprised we refuse to make priorities here. We just go on and pass bills.

Now, you will hear the argument over the next 10 days to 2 weeks, as we debate this bill, that these are just authorizations, that it is not money that is actually spent until it is appropriated. But if you go to the Web site of all of the Senators who are supporting these bills, they have already sent out press releases bragging about what they have done. They intend to spend the money.

So one of three things comes about from that. One is they plan on authorizing it and spending the money; two is they are just gaming their constituency, they are planning on passing the bill but never spending the money, which is highly unlikely, or three is they just want on the bill so they can get a positive parochial benefit and do not really care whether the money gets spent.

Well, this is one Senator who really cares whether the money gets spent. And a lot of these bills we should spend money on. But some of the bills, to pay for them, we ought to get rid of the programs in those agencies that are either duplicative of what we are doing and eliminate the ones that are not working or we ought to pay for any new programs the same way a family does. They get rid of the things they do not think are important.

But to pass somewhere between \$25 billion and \$50 billion worth of new authorizations for spending and not eliminate waste, fraud, abuse, and duplication means we think we are above the American people. Do you know what. The American people already figured that out because the latest survey on whether they think Congress is doing a good or excellent job is only 9 percent of the people in this country. And they are right; we are not. We are totally ignoring the things that every

other person in this country has to do in terms of making decisions on how they live.

The debate on this bill is going to be about priorities and choices.

Also, this bill is going to be coming at a time when the No. 1 issue facing Americans is being able to afford enough money to put gas in the car to go to work. I would put forward that we should not spend any time growing the Government in any way or authorizing any new expenditures until we have a comprehensive, totally inclusive energy policy that is going to work for this country for the next 30 years. The reason that is important is our national security is now at risk because we are energy dependent, we are energy insecure.

You heard the majority whip talk about lands that were bid on but are not drilled on. It is the Willie Sutton phenomenon. He robbed banks because that is where the money is. People drill where the oil is. If there is not a high chance of getting oil, they do not drill there.

Every available offshore rig in this country right now is either in repair or drilling. Every other working rig is either under contract or under repair or is out for contract. It would be surprising to most people where we get most of our oil drilling rigs today. Most people do not realize China produces most of them. We have lost our technologic advantage in terms of being competitive just on oil drilling rigs.

The other thing that is disappointing is, we cannot have a debate about priorities in the Senate because we hide behind the fact that this is just an authorization. But the point is, if we think it is important enough to authorize it and we think it is a priority, we ought to think it is important enough to spend the money on. In fact, everybody thinks that except when they get on the Senate floor to debate the fact that they do not want to do the hard work of getting rid of waste, of getting rid of fraud, of getting rid of abuse, of getting rid of duplication.

For most of the bills that are going to be in here, my staff and I have offered legitimate spending offsets to them. But that is foreign. That is new. We have not always done it that way.

Well, I refer to this chart and this other chart as evidence that we better start doing things a little differently. We better start deauthorizing programs that do not work. We ought to start getting rid of programs that are wasteful. We ought to start fine-tuning the programs that do work but are highly inefficient. And we ought to get rid of programs that are designed to be defrauded and abused.

The Senate is an interesting place by historical standards. By historical standards, this is supposed to be the greatest deliberative body in the world. In the 110th Congress, 890 bills have passed—890. Fifty of them have had debate. Only 50 have had debate. And for

most of those, the debate has been extremely limited and shortened through the power of the majority leader, by a technical process of filling the tree, 14 times, where no amendments were available except those of the majority leader, or by granting amendments that were only approved by him and limiting the total time of debate. Well, there is an interesting historical record that I will go through in a minute. But it lessens what our Founders intended for the Senate to be.

From 1912 to 1972, only five times in the U.S. Senate was cloture invoked. That means the decision was made by the U.S. Senate to limit debate. Our Founders believed the whole purpose of the majority of the Senate was to be the reasoned body, to stand away from emotion, to stand away from the pressured responses of an election every 2 years, and have an open and vigorous debate on every issue.

Two things happened from that. One is Members of the Senate became much better informed. The second thing that happens when we have vigorous open debate is the American people learn something about what is going on. So if we have passed 890 bills this year and 840 of them passed by this procedure called unanimous consent, you didn't hear any debate, there were no amendments offered, there was no vote taken on those bills. What a loss for the American people.

Now, granted, 72 of them were naming post offices, but what a loss, that we don't have and utilize the tools of the Senate to inform the American people about what we are working on.

There are two things that can come from that. One is, if we are doing a unanimous consent—a procedure where a bill passes and nobody raises an objection to it. It is a process where everybody says: I think this is a bill we ought to do. I think this is a bill we ought to not amend, and I don't think we should vote on it.

So there have been 840 times or 850 times in the 110th Congress when we have said we don't need to do that. So the American people have no idea what we have passed, what the import of it is, because there has been no debate. What the majority leader hopes to bring to the floor is a bill consisting of 40 bills that says: Wait a minute. There are some of us who think we ought to debate these. There are some of us who think we ought to amend these. And there are some of us who think we ought to vote; that we ought to be recorded on how we stand on an issue.

One of the things that has been put out in this debate by unelected staff members is that I have blocked the bills from coming to the Senate floor. Well, everyone in this body knows that isn't true. An individual Senator can't block a bill from coming to the Senate floor. The majority leader has the right to bring any bill to the floor any time he wants.

What the staff members are saying is we want to bring a bill, but we don't

want to debate it. We don't want to vote on it. We don't want to have it amended. We don't want the American people to know what we would rather do in secret, what we would rather pass without the American people knowing the details about our business.

So is it any wonder that only 9 percent of the American public has any significant confidence in the Congress to put forward their interests? We are going to be doing this at a time when the No. 1 issue in this country is energy security and energy prices, but we are going to put a bill on the Senate floor that grows the Government, that creates 70 new programs, and spends somewhere between \$25 billion and \$50 billion.

I would tell my colleagues that most people sitting down to their dinner table think we have our priorities messed up, and they are right. We do.

The other thing that is concerning is our Founders made the House of Representatives very much different from the Senate. The Senate was designed to make sure the rights of the minority were always ever present in terms of debate and amendment. Earlier today the majority leader said we had filibustered—my particular party had filibustered—83 times. That is an inaccurate statement.

A filibuster is when someone says: I want to continue talking and I want to continue debating and I want to continue amending—to the point where you try not to pass a bill. The difference between what the majority leader claims and actual truth is, what the minority is asking for is we would just like to be able to amend bills and not have to go to the majority leader, who has now become the "Rules chairman" of the "House," and says only with our approval can we offer an amendment to a bill. It undermines the total tradition of the Senate, but more importantly than that, it undermines truth and transparency in this country because, if you stifle debate, what you do is lose the benefit of the 100 Senators who are here who come from diverse backgrounds with vast and different experiences to have that input into the debate.

So as we become the "House of Representatives," where we don't allow amendments, where we don't allow an open amendment process—and I am not talking about political "gotcha" amendments; I am talking about real amendments to change real bills based on the facts of that bill, and I am talking about pertinent amendments—we are doing great damage to the institution of the Senate.

I have also heard some of my colleagues complain that it is somehow undemocratic for one Senator to stand against 99 Senators. I would not be living up to my oath if I acceded on conscience to do what I thought was wrong for the very people of Oklahoma who sent me here, not to represent just their interests but to pay attention to what our oath says, which is to uphold

and fulfill the Constitution of the United States. It is interesting that in that Constitution, there is a section called the Enumerated Powers Act. It is very straightforward. It is very clear in terms of what it spells out, the rules under which the Congress is to operate.

I have introduced, along with my colleague—several other colleagues in the Senate but also my colleague, JOHN SHADEGG, in the House—the Enumerated Powers Act. This act says we should fulfill article I, section 8. I wish to read that into the RECORD for a minute because I think as American families across this country and American workers and people struggle to meet either health care bills, food bills, or energy bills, the answer is that the Congress has gotten totally off course.

Here is what our Constitution says:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States. . . .

The Congress shall have the power to:

[B]orrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia. . . .

To exercise exclusive Legislation in all Cases whatsoever, over such District. . . .

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. . . .

The 10th amendment to the Constitution says anything that is not listed right there is exclusively and absolutely the right of the States. That is how we got here. We have abandoned what the Constitution has taught us is our responsibility.

I will tell my colleagues, my guessimate of the 40 bills that are going to be bound in this omnibus grow-the-government, spend-more-money bill, half

of those bills will violate the enumerated powers of the Constitution. Then we wonder how is it that we are bankrupting our children, how is it that we are undercutting their standard of living for the future, how is it that we have gotten to the point where we are at risk based on the loans that we have taken out to foreign sovereign governments?

What we have missed is what is not controversial to the American people, which is that we should be living within our means because they have to live within their means. This bill is about not living within our means. It is going to be about a lot of other things—a lot of which I support—but mostly the bill is going to be about not living within our means, about growing the Government, spending more money, reaching into areas that are rightly the States' requirements because we have the power to do it.

I wish to make one other point that I think in my lifetime—I am 60 years old, and I have seen a great shift in the legislative bodies in this country. That shift is this: When you take your oath to be a U.S. Senator or Congressman, you take the oath to support and defend and uphold the Constitution of these United States. Nowhere in that oath does it mention your State. What has happened as we have evolved such great power to the Federal Government, the Members of Congress have become parochial. They have decided that in their wisdom, we should be about sending stuff home. We should be about violating the enumerated powers. One is because it feels good to help people—there is no question about that—but No. 2 is it has to do with being liked and getting reelected. It has everything to do with getting reelected.

So what it has become, as opposed to what our Founders envisioned was a national legislature whose goal was long-term thinking to the benefit and the trust and the security for the Nation as a whole, it has devolved into a parochial legislature which spends half of its time trying to fix problems in individual States or communities that violate the enumerated powers listed in our own Constitution.

So we find ourselves with the following facts. If you are born today, if you are born today and end up in a nice swaddling in your mother's arms, here is what you face: Your parents are going to have to raise you, they are going to have to try to afford your college education, which is going to be impossible in 20 years. The reason it is going to be impossible is because we have, out of this red line, put \$400,000 of obligations on every child that is born in this country today and every day forward because we continue to grow the Government. We continue to violate the enumerated powers. We continue to refuse to make hard choices about priorities because someone might get upset.

The interesting thing is the American people get it. You can see that in

their level of confidence in this body. Ninety-one percent of the American people say: We don't get it. You are not working on what we want you to work on. You are not fixing the problems we think you should be fixing. It is because we are fixing what is best for the politicians, not what is best for the country.

Let me give you a few examples of what I suspect will be in this bill. You as an American can decide if you think it is a priority for us right now, knowing that we are going to have at least a \$600 billion deficit this year; we are going to borrow at least \$600 billion from the Chinese and the Middle East. That is \$2,000 for every man, woman, and child in this country.

Here is the first one. Ice age, floods, National Geographic Trail Designation Act. That has to be a priority for us right now, when Americans cannot afford gasoline to get to work. It only costs \$14.5 million over the next 5 years, but it has to be a priority for us, it has to be something that has to happen right now. Why does it have to happen? It is because somebody will look good back home, not because it is a priority for the Nation—and it is certainly not a priority for our children.

So do we need to do that now. Or do we intend to pass the bill, not fund it, and say we did something? Either one of them is dishonorable.

Next is the Star-Spangled Banner and War of 1812 Bicentennial Commission Act. That will create a commission to celebrate the bicentennial and creation of the National Anthem. I don't think there is a problem with doing that. I think we ought to recognize the 200th anniversary of that. The question is, Should we spend \$4 million doing it, when you can probably spend \$100,000 doing it? Only in Washington does it take \$4 million to have a party, to recognize a celebration. That is totally out of touch with the American taxpayers and the priorities they have to make.

How about the Captive Primate Safety Act? It will add nonhuman primates to the list of species that are prohibited from being brought into the country for commerce. That commerce has to do with the scientific integrity and discovery and the utilization of subhuman primates because they are the best way we know to test things before we test them on us. But we are going to limit that. We are only going to spend \$17 million doing that—only \$17 million.

There is \$1.5 billion for the National Capital Transportation Amendment Act. That is Metro. I think we ought to help Metro. But before we help Metro, we ought to demand some accountability and efficiency. They have gotten a billion dollars in Federal grants over the last 3, 4 years. Yet the problems that plague that institution haven't been fixed. They are not addressed in this bill. There is no accountability, no transparency. You cannot see where they are spending the

money. There is nobody held accountable for the failure of the retrofit on the old rail cars that were retrofitted and now are not working.

The other question American taxpayers ought to ask is: Why should every other taxpayer in the country pay for the rail transportation of the best paid people in the country, the Federal workforce? Should the average family who makes \$33,000 in Oklahoma pay for the transportation to work of families who average \$75,000 and are commuting on Metro? Inherently, there is something not quite right with that. Yet that will be in this package—\$1.5 billion. We don't have the money, so not only are we going to have to subsidize it now, but we are going to charge it to our kids.

I would say this bill the majority leader is going to bring up isn't going to fit with the priorities of the American people. There are some good things in it. But contrast that with the fact that we have an energy crisis, that we have families who now, compared to a year ago, are spending at least \$2,000 more for energy. I would think the only thing we ought to be working on, the only thing the American people think we ought to be working on would be solving that problem in a comprehensive way. Instead, we are not; we are going to grow that and spend more. We are not going to do long-term solutions for our energy insecurity that puts our Nation at risk in terms of our national security.

Even a cursory look at the history of the Senate shows that the majority leader's decision to construct an omnibus bill to get around true debate and true amendment objections to the broken hotline process violates the tradition of full and open debate and amendment. Following the Revolutionary War, the Founders created a system that protected the people from tyranny. The checks and balances provision was extended to the legislative branch, between the House of Representatives and the Senate. The Framers created the House of Representatives to pass legislation quickly. But the Senate was designed for the opposite purpose. It is supposed to be hard to pass a law up here because it has such a major effect on every American. It needs the cooling in the "coffee cup saucer." It needs to be thought about, debated, discussed, and it needs to be open toward the American people to where they can see it.

James Madison said:

The use of the Senate is consistent in its proceedings with more coolness, more wisdom than the popular branch of government. Its hallmark would not be the majoritism of the House, but the emphasis on the rights of individual Senators to consider and impact legislation.

Impacting legislation is offering amendments. You cannot impact it unless you have the ability to amend it. By wrapping several dozen controversial bills into one omnibus, what the majority leader is attempting to do is

override the best traditions of the Senate. But more important, it is to short-change the American people about what we are doing.

Since we have already passed 850 bills that you have no knowledge of, because they didn't have debate and amendments and they didn't have votes, why is it we should let another 40 bills come through without full debate and full amendments?

There are two examples in history on how the Senate has operated as intended as a bulwark against hasty decisions and bad policy. First was the 1805 impeachment trial of Justice Samuel Chase, and the second was the 1869 impeachment trial of President Andrew Johnson. In order for the Senate to function as intended, it took courageous Senators to stand on principle in the face of adversity. In 1804, President Thomas Jefferson won reelection by a landslide, and his party then was known as the Republican Party—it is now the Democratic Party. They ended up with overwhelming majorities in the House and Senate. Only the judicial branch remained in control of the opposition party, the Federalist Party. The President, buoyed by strong public support, sought to impeach Federalist judges on the basis of their political stances and a variety of court opinions, leading Jefferson's Republicans to target Justice Chase as one of the most outspoken judges—in other words, to intimidate the judicial branch.

With the distance of history, we can see clearly that Chase's conviction would have undermined the independence of the courts. It would have said we would not have a three-part government, each a careful balance to control the others. That would have gone out the window. In the House, Justice Chase was impeached 73 to 32. All of Jefferson's Republicans voted for it. In the Senate, votes from 23 of the 34 Senators were necessary for conviction, and 25 of those Senators were Jefferson's Republicans. Conviction seemed sure. Yet following a week-long trial in the Senate, 18 voted against conviction, while 16 voted for it. They were five votes short to remove Justice Chase.

Following the ordeal, Vice President Aaron Burr made the following observation:

The Senate is a sanctuary, a citadel of law, of order, and of liberty, and it is here in this exalted refuge—here if anywhere—will resistance be made to the storms of political frenzy and the silent arts of corruption.

I hope my colleagues will consider that last phrase, “the silent arts of corruption.” When the American people look at this body, that is precisely what many Americans see. If any process was in the category of the silent art of corruption, the secretive hotline process, where bills come through with unanimous consent, fits that definition well.

In 1869, in the trial of President Andrew Johnson, a similar matter unfolded. In the years following the Civil

War, there was severe strife between the President and Congress over the best way to handle the rejoining of the South with the Union. The Congress, dominated by Members who were determined to humble the Confederacy, was pitted against the President, who was more interested in reconciliation than revenge. After 4 years of battling with President Johnson, the House overwhelmingly voted to impeach him. Every Republican had voted for impeachment. This was a different group of Republicans—the Lincoln Republicans. In the Senate, 36 votes were required for conviction and 41 Senators were Republicans. Once again, conviction seemed sure. However, a group of seven Republicans saw between the momentary chaos and understood the consequences of impeaching Johnson. After it was revealed that the group of seven Republicans planned on voting against removal, a surge of public outrage was thrown down on the Senators. One Senator from Iowa, James Grimes, received so many physical threats that he suffered a stroke 2 days prior to the vote. Nevertheless, all 7 Senators remained resolute and voted not guilty, making the final tally 35 to 19, 1 short for conviction of impeachment.

Both these examples, dealing with impeachment and not legislation specifically, call attention to how the Senate was designed to slow down bad policy. I believe what the majority leader is doing is bad policy, in terms of combining a multitude of bills—1,700 pages of bills that very few offices know the extent of—into one bill, and trumping all minority rights, which are a sacred and central feature of the Senate that should not be violated.

Our Founders constantly warned about the tyranny of the majority. Madison called the Senate a necessary fence against the majority party, and the primary tool given to the minority was the informal principle of unlimited debate. Between 1917 and 1962, cloture—a motion to stop debate—only happened five times in this body—only five times. Eighty-three times now the majority leader has filed cloture. Why has he done that? He doesn't want the debate. He does not want the debate. Opposite the best traditions of the Senate, the majority leader has filed cloture 83 times.

One last point and I will finish. A hold on a bill is not blocking a bill from coming to the Senate floor. The rights are very clear of the majority leader. The majority leader can bring any bill to the floor anytime he wants. No Senator can stop it. So if you are holding a bill because you are saying I don't agree with a unanimous consent, which means I don't agree that we should not debate, I don't agree that we should not amend, and I don't agree that the public should not have a recorded vote on this bill, that does nothing to stop the bill from coming to the floor. What stops the bill from coming to the floor is the priorities of the majority, not the priorities of any other Senator.

Debate, full, open, honest debate is great for this country. The hotline process with unanimous consent, passing bills in secret the American people don't know about, are not informed about, are not debated in the Senate, are not voted on in the Senate, goes against the tradition of the Senate. But it also robs us of freedom because the knowledge of what we do is as important as what we do. Without that knowledge by the American people, we are not the cooling saucer of thought, debate, calmness, and reason.

The hold, which I have exercised, is the last check against the abusive hotline process. It may be that 70 or 80 Senators want to pass a bill, and that is great. Let's put it on the floor. Let's debate the bill. Let's have options to amend the bill and make people vote on commonsense items such as priorities, getting rid of waste, doing what every American has to do every day, and let's have that debate in front of the American people.

There are 76 programs that are being held currently by a number of Senators. It comes to \$70 billion of new spending. I have yet to have somebody from Oklahoma or any other State in the country tell me that with a \$700 billion deficit this year, with \$10 trillion in debt, with \$1.4 billion in new debt a day and spending \$1 million a minute in debt, that we ought to put \$70 billion more on the backs of the American families. It may be that we need to put 70, but we need to take another 70 off.

So the debate about the bill the majority leader will introduce is going to be a good debate. It will not stop the process. The rules are very clear. We will have a debate. The question will be: Will we have a debate that is open to true amendments, that is a full debate, and that will take the time to make sure every one of these 40 bills is thoroughly vetted with the American public?

The final issues I wish to talk about are some of the bills that are in here.

We reformed the National Institutes of Health last year. We said: Let's get politics out of it. Let's let peer-reviewed science tell us how we spend the money to the greatest benefit to help the greatest number of people. As soon as we passed that bill, we had five or six or seven new bills coming to tell them exactly where to spend the money because we could look good with constituencies, and yet we violated the very bill we passed that said we ought to let science guide us to make good decisions, make the priorities that are out there that help the most number of people with the greatest benefit in terms of science.

There are going to be several bills in the one bill for that. I will gladly and readily defend my opposition to those bills. One is because they do not accomplish what they say they do. And No. 2 is they hurt other people by taking away limited resources, by placing them in a category that somebody else

says is more important than what the science would say we can do best.

There is the Emmett Till unsolved civil rights bill. I agree we ought to pass that bill, but I don't think we ought to add that money to our grandkids. I think we ought to get rid of the waste, fraud, abuse, and excesses at the Department of Justice and pay for it. It is a legitimate Federal role. It fits with the enumerated powers. Those were Federal laws violated in the fifties and sixties. But to pass that bill and not get rid of wasteful programs and not get rid of waste says we are only doing half the job. It is easier doing it that way. You don't make anybody mad or upset with you. But you don't do the best thing for our children and our grandchildren, and you certainly don't do the best thing for our country.

It is interesting. I have sent two letters to the prime author of that bill. He has not had the courtesy to answer me once. He held a press conference that impugned I was a racist because I would not let that bill go through.

The fact is, the statements are: You can't work and negotiate bills. We have offered amendments to pay for the bill, with which Mr. Sykes, the main supporter of this bill, agrees. What has happened is it is take it or leave it, no debate, no amendment, no working in the Senate to the best tradition of the body.

So we have this statement made by Senator HARRY REID that you can't work with COBURN. I tell you, PEPFAR was a great bill. This Senate passed it. We were critical in terms of negotiating that bill. The Second Chance Act, which makes sure that we work against recidivism on prisoners throughout this country, we worked hard and changed that bill. On the Genetic Nondiscrimination Act, we negotiated well and got a great bill for every American so the insurance company can no longer discriminate against you if you have a genetic tendency and they cannot raise your premium. We have done a ton of things, but it is on the small bills which require people to work that we have not been able to accomplish that.

I look forward to the next 2 weeks. I look forward to the weekend. Congress is about to go on vacation. Most Americans today with gas prices cannot go on vacation. And we are going to get a debate this weekend on these 40 bills. We probably won't have done anything significant yet about energy. So we are going to be debating spending \$25 billion, \$50 billion, maybe even \$70 billion more, creating 50, 60, 70 new programs, and you are still going to be paying \$4.10 for your gasoline with no hope 10 years from now that things are going to be any different because we have our priorities wrong. We would rather look good to special interests and pass bills in the dark of night than debate them on the floor and put the priorities that should be in front of this country out there—energy, health care, Social Se-

curity reform, \$300 billion worth of waste in the Federal Government every year. Nobody is doing a thing about it. Half the agencies will not even comply with the improper payments law. We have \$3 billion a year spent at the Pentagon maintaining properties they don't want, but the Congress won't pass a true real property reform because it is held up by a homeless act, most of which none of the buildings are capable of being utilized by homeless individuals.

What I say to my colleagues is let's have a debate. Let's see the rumble in America that thinks whether we are doing the right things, the right priorities. Do they want us to go down this road where we strangle the lifeblood economically from our children, we take away their ability to own a home, we take away their ability to get a college education, or should we be about real priorities? And if we are going to spend new money, shouldn't we be about getting rid of some of the \$300 billion that is wasted every year right now?

I don't have to take a poll about that one. That is a 90-plus-percent factor with the American people. It is only in the Senate that we don't get it, that we would rather spend time growing the Government and spending more money than fixing the real problems of this Nation.

I look forward to the debate. I am excited about this weekend. My hope is we will have an open amendment process, one that does justice to the greatest traditions of the Senate but, more importantly, one that does justice to the American family and their children to come.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Madam President, I have in my hand the bill Senator REID just filed. There is no CBO score with this, and I object to the introduction of this bill.

The PRESIDING OFFICER. Objection is heard.

#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that 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.

#### HONORING OUR ARMED FORCES

SPECIALIST ESTELL "LEE" TURNER

Mr. JOHNSON. Madam President, I rise today to pay tribute to SPC Estell

"Lee" Turner and his heroic service to our country. As a member of the Army's Echo Company, 1st Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division based in Fort Campbell, KY, SPC Turner was serving in support of Operation Enduring Freedom. On July 2, 2008, he died in the National Naval Medical Center in Bethesda, MD, after being mortally wounded by an IED in Afghanistan.

Lee had already served his country for 6 years in the Army two decades earlier, having finished his military service in 1989. Yet this wasn't enough. Even though he had gone above and beyond, Lee still had the drive to be a hero. After moving to Sioux Falls in 2004, he reenlisted in the Army at the age of 39, after the Army had raised its age limit. He looked forward to being deployed to Afghanistan, his first tour in the war on terror. His wife recalls, "He never seemed worried about it, this is something he believed in. He thought it was right."

Raised in a military family, patriotism was instilled in his heart from a young age. Lee's father served in the Navy for 18 years, and his grandfather was an Army soldier who served in World War II. His younger brother John is in the Army and his wife is an Army reservist. Lee's awards and decorations include the Army Good Conduct Medal, the National Defense Service Medal, the Army Combat Action Badge, and the Purple Heart. Lee enjoyed racing and fixing cars and playing guitar. He had a fierce devotion to his family, and he will be deeply missed by those who survive him: his wife Leah, his daughter Lyda, his siblings, John and "Gucci," and his mother Gloria.

Specialist Turner gave his all for his soldiers and his country. Our Nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. Madam President, I join with all South Dakotans in expressing my deepest sympathy to the family and friends of SPC Estell Turner. He will be missed, but his service to our Nation will never be forgotten.

STAFF SERGEANT JEREMY VROOMAN

Madam President, I also rise today to pay tribute to SSG Jeremy Vrooman and his heroic service to our country. As a member of the Army's 2nd Squadron, 2nd Stryker Cavalry Regiment, 1st Armored Division, in Vilseck, Germany, Staff Sergeant Vrooman was serving in support of Operation Iraqi Freedom. On July 15, 2008, he died in a Baghdad hospital after sustaining injuries from an improvised explosive device.

A native South Dakotan, Jeremy carried on the tradition of military service in his family when he joined the Army 9 years ago. Both of his grandfathers served and his older brother, Justin, is currently in the Army. Jeremy was proud to serve in the military and planned on making it his career.