

the time this country has existed. I should say in the Congress—47 years in the Senate, 6 years in the House of Representatives—more than 50 years, approximately 25 percent of the time that we have been a country. He should know something about free speech. He was here on the Senate floor when the great Margaret Chase Smith, a Republican Senator from Maine, talked about the value of free speech in the Senate. He was in the Senate when the Republican Howard Baker talked about the importance of the filibuster in protecting our democracy. A gimmick? I think not.

Senator BYRD was in the Senate when the debate over civil rights took place. I heard BARACK OBAMA upstairs with the press corps say: Isn't it interesting, the filibuster was used against African Americans but they worked around it and prevailed in spite of it. They didn't move to change the rules in the middle of the game.

Senator ROBERT BYRD was here when DAN INOUYE, the Medal of Honor winner from Hawaii, a new Senator, came to the floor, and as an Asian American whose friends and family were put in internment camps during the Second World War, spoke on the Senate floor about what it means to be a minority and how the filibuster should be available to protect the minority. A gimmick? I think not.

Over the years, the filibuster has proven to be an important tool of moderation and consensus, which partly explains why the Republican leadership is opposed to it. They aren't interested in moderation. They are only interested in advancing their right-wing, radical political agenda, an agenda being driven by the people who are saying we are filibustering against people of faith.

Mr. President, every day—for 23 years—with rare exception, I go to the House gym and work out. There I met Congressman RUSH HOLT. He is a nuclear scientist, a Congressman from New Jersey. RUSH's father, also named Rush Holt, served in this Chamber in the late 1930s. As a freshman United States Senator, he led a filibuster to preserve wage and hour protections for American workers. RUSH HOLT, Jr., is so proud of his father. He talked to me about the pride he had in his father being a United States Senator, and he told me this story about the filibuster his father conducted alone to preserve wage and hour protections that had come about as part of the New Deal. He wasn't using a political gimmick. He was using something that was part of the vision of our Founding Fathers, something they wanted in this body to make it unique and different—free speech. An important tool to stand up for working men and women in this country, that is what Senator Rush Holt, Sr., was using.

Of course, the filibuster has not always been used for good. I acknowledge that. Just as it has been used to bring about social change, it was also used to stall progress—I have talked about

that—things this country needed to change, such as civil rights legislation.

But Senator BARACK OBAMA speaks in favor of the filibuster. He understands, as an African American, why it is important. But at these times people have spoken and public opinion has spurred this Chamber into action, as indicated, it brings about compromise. So you see the filibuster is not a political gimmick. It is part of the fabric of this institution we call the Senate, the greatest debating society in the world—or at least it has been so far. Is that going to be taken away from us?

While I was in the gym this morning, Mr. President, I was stopped by a Republican House Member. I will not name him for fear the Republican leadership in the House will remove him from a subcommittee or whatever they do to punish people over there, and we know that happens. But everyone within the sound of my voice should know that I am telling the truth. A Republican House Member came to me this morning and said: I never thought I would say this to the Democratic leader of the Senate, but I am praying for you, that you prevail in this battle going on in the Senate. A Republican House Member is praying for me and this institution to maintain the institution as it is.

So as the moment of truth draws near, I, too, am praying, Mr. President. I do not say that lightly. I pray that cooler heads will prevail and the responsible Republicans—and they are there, I know they are there—such as this Congressman who spoke to me this morning, will join Democrats in standing up against this abuse of power, to maintain our checks and balances, to maintain the separation of powers that has made this country the power that it is, one that the world looks upon with awe, inspiration and admiration.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business of up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

#### JUDICIAL NOMINATIONS

Mrs. MURRAY. Mr. President, we awoke today to see news of a breakdown in negotiations to end the so-called nuclear confrontation that some Republicans are driving this body toward.

I want to take a minute to thank our leader, Senator REID, who I believe is really doing his best to preserve the tradition and the precedent of the Senate through good-faith negotiations. He put forth a good-faith compromise

proposal only to see it rejected out of hand. This breakdown really marks a sad day for this body.

More than 200 years ago, the Senate was created as part of the Great Compromise, and for the balance of those 200 years, compromise has been central to any and all of the great work that has been completed by the Senate. The rules are set up here to assure that the Senate serves as a center for Government compromise. We have a system of checks and balances, with the Senate checking the President through advice and consent and the President checking the Congress with the use of the veto. And all the while we have an independent judiciary that is empowered to balance out the system. Those checks and balances were put in place for a reason. They promote compromise, they promote preservation of minority rights, and they ensure that our system of government works for all of the people. Unfortunately, the goal of some becomes clearer each passing day in this body that they are not interested in compromise on the so-called nuclear option. If this Senate does remove the last check in Washington against an abuse of power, the majority will be able to appoint to lifetime seats on the Supreme Court and the Federal bench anyone they want.

The American people have rejected court packing before and I believe they will again. We are united against the abuse of power known as this nuclear option. We believe that Senators were sent here to serve all Americans, not to promote political agendas of one faction. Mr. President, Democrats will join responsible Republicans to fight this abuse of power and get back to the real work of the American people.

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#### 25TH ANNIVERSARY OF THE MOUNT ST. HELENS ERUPTION

Mrs. MURRAY. Mr. President, I rise today with my colleague from Washington State to very proudly mark the 25th anniversary of the day that Mount St. Helens erupted in my home State of Washington and will be joining with her later to offer a resolution to commemorate this anniversary.

For anyone who lived in the Pacific Northwest at the time, May 18, 1980, is a day we will never forget. It was a day that changed lives and it changed the landscape of Washington State forever. It was also a day that imposed a heavy toll in lost lives and lost habitat. Fifty-seven people were killed that day. More than 230 acres of forest were leveled in an instant.

Mr. President, the story of Mount St. Helens is a story of destruction, but it is also a story of renewal, a story of science, and a story of the importance of preparation. Today I rise to share that story and the lessons that it holds for us now 25 years later.

Perhaps the best place to start really is the day before the eruption, when Mount St. Helens was really a beautiful and striking feature of landscape

in the State that I was born and raised in.

This photo behind me shows what the mountain looked like before the eruption. As you can see, it had a nearly perfect dome, and it was recognized as one of the most symmetrical mountains in the world. It was surrounded by lush forests and beautiful streams and rivers and lakes and the area was filled with wildlife of all kinds. But danger lurked right beneath that tranquil landscape.

May 8, 1980, began as a beautiful, sunny morning in the Northwest. I remember it well, sitting at home with my two young children at the time. Meanwhile, below the surface, Mount St. Helens was anything but calm. At 8:32 a.m., a 5.1-magnitude earthquake occurred, and that sparked massive eruptions which would last for 9 hours. This photo shows some of what followed. Within minutes, this massive cloud of ash and toxic gas spouted 15 miles into the air. You could see it from many places in my State. A 300-mile-per-hour blast shot from the mountain, knocking down all of the evergreen stands as if they were matchsticks. The entire north face of the mountain gave way to this massive mud slide, and that mud slide carried hot water and debris that it picked up over the surrounding landscape.

The eruption itself released 24 megatons of energy. It destroyed all forms of life within the 18-mile blast zone, including roughly 7,000 bear, elk, and deer. The scope of this devastation on that day was enormous. The hot ash from this eruption, combined with the melting snow at the mountain top, created massive mud flows. This was not just a local event. More than 500 million tons of that ash was blown eastward across the United States 250 miles away in Spokane, WA. That traveling ash turned day into night for everyone who was there, and by June, a few months later, ash could be found from Mount St. Helens on the other side of the world.

As we now mark the 25th anniversary, I wanted to come here to the floor today with my colleague from Washington State, Senator CANTWELL, to pay tribute to the 57 men and women who died on that day. Some of them were there enjoying the area's beautiful scenery, some were drawn to the mountain for scientific study, and others were long-time residents who lived there who refused to give up the only homes they had ever known.

When that dust settled and the mountain quieted, nearly 150,000 acres of public and private land had been destroyed.

This photo behind me shows some of that destruction. That stand of trees was blown down in an instant. The mountain's nearly perfect dome was turned into a crater. The Toutle River, which had been vibrant and green before, a great place in my State, was now a dark, gray expanse.

Then President Jimmy Carter toured the site and later remarked:

Someone said this area looked like a moonscape. But the Moon looks more like a golf course compared to what's up there.

Everyone knew that wildlife restoration would be a major challenge. Within weeks of the eruption, however, many dedicated foresters and biologists returned to the area to assess the damages and help with the recovery. One of the strongest leaders in this revitalization has been the Weyerhaeuser Company. It lost nearly 68,000 acres of forest that day, making the company the largest private landowner impacted by this eruption. The company was able to replant over 45,000 acres with over 18 million seedlings. Weyerhaeuser has been committed to restoring the area through sustainable forestry. Now, 25 years later, many of those trees they planted in the wake of the eruption are now amazingly ready for thinning, and final harvesting will begin in another 20 years which will pave the way for the forest cycle to recommence. The U.S. Forest Service made similar efforts. On 14,000 acres of National Forest land, the Forest Service has planted nearly 10 million trees since 1980. In August of 1982, Congress established the 110,000-acre Mount St. Helens National Volcanic Monument.

The monument allows unhindered natural growth and serves as a resource for visitors and academics.

Within weeks of the eruption, signs of life literally sprouted through the layers of destruction.

As forests were replanted and vegetation again took root, the wildlife also began to return.

Roosevelt elk and Columbia black-tailed deer, for example, along with small birds and mammals, reestablished their habitats.

Today the area is a testament to the enduring circle of life, as green hills surround the crater, and blue waters flow through the valley once again.

As the ecosystem rebuilds, we are constantly reminded of the wealth of knowledge available from the monument itself.

Thousands of people have been drawn to the mountain to see the evidence of this power and to learn from its effects.

For many, the eruption sparked a new interest in the earth sciences.

It has provided new insight on seismology and volcanology, helping students and scientists to better understand the earth's natural movement.

Representatives of the U.S. Geological Survey have teamed with researchers at local and national universities to process the data and to continue monitoring movement beneath the ground.

Teachers from across the country have brought hundreds of student groups to the Forest Service's three visitor centers. There, students study the eruption and the reemerging wildlife.

Now what was once a bleak scene of destruction is now a living monument and an educational resource.

Although 25 years have passed, there is still much we can learn from the eruption of Mount St. Helens.

Just last fall, we were reminded that we haven't heard the last from this mountain.

After 18 years of relative quiet, a series of small quakes have occurred in October.

And in March, just 2 months ago—the mountain released a 36,000 foot plume of steam.

Today, inside the crater, the lava dome continues to grow. That is a sure sign that there is far more activity to come.

The most important lesson we can learn from the eruption is the need to improve our warning and response systems.

While we may never be able to fully protect surrounding communities, we can help reduce the risk.

For months before the 1980 blast, scientists from the USGS had monitored Mount St. Helens and were able to predict that an eruption was likely in the near future.

As a result, most people stayed away from the mountain. We must continue to support the efforts of the scientists and local officials who keep us all safe.

Unfortunately, according to a recent USGS report, monitoring of high-risk volcanoes in the U.S. leaves a lot to be desired. Of the 169 volcanoes, 55 qualify as being a "high risk" for eruption.

After Kilauea in Hawaii, Mount St. Helens ranks second on the list of high-risk peaks.

Mount Rainier, also in Washington State, is ranked third, followed by Mount Hood in Oregon and Mount Shasta in California.

Millions of people live near these mountains, making their monitoring and study a critical undertaking.

I want to personally commend the hundreds of dedicated scientists and local, state and federal officials who are keeping a close eye on these mountains in Washington State.

Their work is helping to ensure that the public is better prepared for any future disaster.

We can honor those who died 25 years ago by learning from the eruption and improving our ability to predict and respond to natural disasters.

While we have been fortunate not to have a major eruption in the U.S. since Mount St. Helens, the tsunami tragedy in Asia once again reminded us of the power of events beyond our control.

We know there is more to come, so together, I hope we make sure we are well-prepared, and our communities are well-protected.

My colleague from Washington State, Senator CANTWELL, is on the floor. I welcome her.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join my colleague in the resolution commemorating the 25th anniversary of the eruption of Mount St. Helens. I thank my colleague for working on the resolution to commemorate this historic event. Not only for Washington State and the Northwest, but

for our country, May 18 marks an incredible landmark in time for people in the Northwest and certainly marks a critical response by our Federal Government. It also allows us to reflect on the progress we have made as a nation to develop a greater understanding about the more than 160 active volcanoes in the United States.

For over 100 years, Mount St. Helens stood in silence, a relatively dormant peak and serene part of the Pacific Northwest. But on the morning of May 18, 1980, Mount St. Helens erupted releasing a plume of ash that filled the sky, circling the Earth in just 15 days. The destructive eruption eviscerated everything in its path and tore through miles of trees.

Today, 25 years later, the effect of the 1980 eruption remains evident, and the rumbling of Mount St. Helens over the past several months reminds many of us, particularly in Washington State, of those events on May 18, 1980. The level of activity of Mount St. Helens, combined with the unpredictability of it, makes it very special for Washingtonians. We embrace the mountain's beauty but remain in profound respect of its power and weary of a repeat eruption similar to 1980.

What is important to understand is that Mount St. Helens, located 90 miles south of Seattle and 65 miles north of Portland, OR, when it exploded, released such hot steam that it actually melted 70 percent of the snow and ice on top of the mountain. To give you a sense of that enormity, Mount St. Helens was, prior to this, the ninth highest peak in the State of Washington. It has now been reduced about 1,300 feet. The avalanche that was created by that explosion was close to two-thirds of a cubic mile of debris. The Geological Survey estimates that would be enough to cover Washington, DC, in more than 14 feet of ash and mud. That is basically what the Northwest dealt with when this explosion happened in 1980. We saw flows of rock and ice covering various parts of the north fork of the Toutle River, debris running down those pathways wherever it could go. The eruption destroyed 27 bridges that were part of our highway structure, 200 hundred homes, 185 miles of roadway, and 15 miles of railway.

What is unique about this is that Congress responded. We responded because of the devastation to the physical and environmental infrastructure but also because of the loss of life. My colleague and I are here to commemorate those 57 Washingtonians who died in the incident, and one particular individual, David Johnston, who was with the U.S. Geological Survey. What this anniversary marks is the great strides we've made as a Nation to respond to science in this area.

David Johnston, by comparison, in 1980 had been studying Mount St. Helens for many months. In fact, on the morning of the explosion, he was 6 miles away on what is now called Johnston Ridge. Many of my colleagues

may, if they turned on the TV in the last several months to see rumblings of Mount St. Helens, seen many observers, and many members of the media stationed on Johnston Ridge. When Mount St. Helens erupted on that day, David Johnston, who was our monitoring system at Mount St. Helens only had an opportunity to say: Vancouver, this is it. And the eruption took his life.

Where we are today is that we have volcanologists, geologists, seismologists in what is a robust system of emergency response. The U.S. Geological Survey, the U.S. Forest Service, the Department of Interior, the National Guard and Federal Emergency Management Agency under the Department of Homeland Security, and the Cascade Volcanic Observatory in Vancouver, WA, all provide us with a much greater sense of what is going on with Mount St. Helens and what the emergency response should be in the event of a similar explosion.

My colleague mentioned that we have seen a lot of rumblings lately on Mount St. Helens, and certainly those eruptions have caused concern. But I think today's anniversary reminds us that as a nation we responded to this activity with a better warning system, and with a much better understanding of volcanic activity in the United States. With the 162 active volcanoes in the United States, we in the Northwest want to see good research on this. The fact that Mt. Rainier and other mountains are much closer to great population centers of Washington State is something for which we want to continue to have an investment in good science.

I join my colleague Senator MURRAY and thank her for commemorating the events of May 18, 1980, as a particular point in time for Washingtonians and for our country. But as I stated this commemoration is also significant because it speaks to the advancements in science that our country has achieved in better preparing to respond to this type of emergency. When I think about the science we have applied as it relates to volcano monitoring, I am confident that with similar activity and research as it relates to tsunami activity—something that also could greatly impact the Northwest—we can better prepare for an event of that nature as well. It gives me a great deal of hope that we will, through better mapping, through better geological information, better seismic information, provide Washingtonians with greater security and safety.

As most of my State will be seeing many pictures of the eruption in 1980, I thank my colleagues from past Congresses for their support in giving us a Cascade Volcanic Observatory in the State of Washington and for the work the men and women do in various Federal agencies that provide us better scientific information and a better warning systems for our country.

#### SURFACE TRANSPORTATION

Ms. CANTWELL. Mr. President, I would like to take a moment to comment on the surface transportation act we are going to hopefully pass today and a particular provision that I was happy to work on with my colleagues Senators INOUYE, STEVENS, AND LOTT, regarding giving consumers better protection and accurate information about gasoline consumption. Americans today are facing a painful reality at the gas pump, so the least we can do is to make sure the mileage stickers on their cars match up with the reality of the road. That will help them and their families make better budget plans and make better choices when buying automobiles.

It is simply that we need to have truth in labeling for stickers on automobiles. But today gas mileage stickers that appear on cars basically inflate the true vehicle fuel economy performance by anywhere from 10 to 30 percent.

That is because the Federal Government laboratory tests, on which this outdated procedures rely, are false assumptions. For example, they assume people drive 48 miles per hour on the freeway, and they never use air conditioning. Obviously, a variety of other things that represent technology improvements have not been considered in this test. When a family is on a tight budget—and right now there are many Americans on a tight budget—getting accurate information about vehicle fuel efficiency is important.

The provisions of this bill that are included in the surface transportation act would direct EPA to issue a proposed rulemaking no later than the end of this year and complete the process within 18 months. What it would do is encourage the Government to take into account real-life conditions such as speed limits, acceleration rates, braking, variations of weather and temperature, vehicle load, and a variety of other fuel-consuming features.

It is important that we pass this kind of legislation. I know the American Automobile Association supports this legislation, as do many other residents throughout the country who are consumers making gas-conscious choices when they buy automobiles. We need to give them accurate information.

I am glad the truth in labeling amendment we offered will be included as part of the package of the surface transportation act and hopefully pass today.

I yield the floor.

I yield the floor.

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

Ms. STABENOW. Mr. President, I rise today in support of the Senate SAFETEA bill that is before us, the Transportation bill. I first want to thank my colleague from Washington State for her leadership on so many different issues, including provisions in the Transportation bill. I thank Senators INHOFE and JEFFORDS for drafting