

assured them that the Democrats would stand united with them on a motion to strike this rider or to prevent the bill from moving forward.

Through the efforts of Senators FEINGOLD and MCCAIN, we had the votes to strip this provision from the bill, and everyone knew that. Recognizing that, my colleagues on the other side of the aisle agreed to remove it from the bill. I made it clear to my colleague and friend, the majority leader, that we would not accept a conference report with reemergence of this provision.

#### COMPENSATION FOR MEMBERS OF CONGRESS

I also want to say another word about my friend, RUSS FEINGOLD. RUSS FEINGOLD is a person who is very talented. He is a unique advocate for many issues that affect this country. I have just talked about campaign finance reform. He is and has been a leader on campaign finance reform. There are times that I disagree with RUSS FEINGOLD but not often. He is a person who brings unique attributes to the Senate. Academically, he is without peer. He graduated from Harvard Law School and is a Rhodes scholar.

Today, he will speak on behalf of this side of the aisle on a provision dealing with compensation for Members of Congress. There are times when a COLA is certainly in keeping with the needs of this body and the country, but there are times when it is not. As I have indicated, RUSS FEINGOLD has never shied away from offering contentious, difficult amendments. Today, I am happy to see the other side of the aisle recognize that this amendment would pass, the Feingold amendment that has been offered by him alone in years past. The majority decided they would step in the shoes of Senator FEINGOLD because they knew this was a time—with Katrina, with the many other problems facing our country—when a pay raise was not appropriate.

I want the record to be spread with the fact that RUSS FEINGOLD is a person whose good work I so appreciate. I admire him and the work that he does and want everyone within the sound of my voice to understand that this amendment we will dispose of prior to 12:30 today has been the Feingold amendment year after year after year. Now I am happy to see that others have joined with him.

While I have disagreed with him on this issue in the past, no one can take away from the fact that this has always been RUSS FEINGOLD's mantra: that he would offer the amendment to make sure that the congressional pay raise did not go forward.

He certainly was not successful in years past, but everyone recognized that he would be this year. Therefore, the majority, in an effort to take away a little recognition from him, decided they would do it. But recognition will always be there because RUSS FEINGOLD has always been out front on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. OBAMA. I ask that I be able to proceed out of order. It is my understanding the Republicans actually control the time at the moment. I ask unanimous consent that I be able to proceed and the time to be taken out of the Democratic time.

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

#### AVIAN INFLUENZA

Mr. OBAMA. Mr. President, we are continuing to witness, as I think you are aware, the relentless spread of avian flu carried slowly, but predictably, by wild migratory birds from countries in Southeast Asia to western China to Mongolia and then over the Ural Mountains into Russia and Ukraine. From there, avian flu this week has spread over to Romania and Turkey, and we have just learned possibly into Greece.

Dr. Joseph Domenech, chief of the Animal Health Service at the United Nations Food and Agricultural Organization, has been quoted as saying that “...we are not surprised.”

At this point, no one should be surprised. The experts have told us repeatedly that a flu pandemic is inevitable, although the timing is unpredictable. In other words, the question is not if but when. The spread of avian flu is our warning signal, and we need to heed this call to action.

If we are lucky, we will have at least a year or perhaps several years to prepare for a flu pandemic, but we might not be so lucky. Regardless of whether it is this particular strain of avian flu, H5N1, or another deadly strain, the time to act is long overdue if we want to prevent human suffering, death, and economic devastation.

International health experts say that two of the three conditions for an avian flu pandemic in Southeast Asia already exist. First, a new strain of the virus has emerged to which humans have little or no immunity. Second, this strain has shown that it can jump between species.

The last condition, the ability for the virus to travel efficiently from human to human, has not been met, and it is the only thing preventing a full-blown pandemic. Once this virus mutates and can be transmitted from human to human, we will not be able to contain this disease. Because of the wonders of modern travel, a person could board a plane in Bangkok, Athens or Bucharest and land in Chicago less than a day later, unknowingly carrying the virus. In fact, we learned this lesson from SARS, which moved quickly from Asia to Canada, where it led to many deaths.

As my colleagues know, one of my top priorities since arriving in the Sen-

ate has been to increase awareness about the avian flu. In April of this year, I introduced the Avian Act, which is a comprehensive bill to increase our preparedness for an avian flu pandemic. This bill was incorporated into a larger bill, the Pandemic Preparedness and Response Act that Senator REID and I introduced 2 weeks ago. We need to move this bill as quickly as possible.

We also need to provide more funding to purchase vaccines and antivirals and improve our ability to spot and isolate a pandemic as soon as it begins. In the spring and summer, I worked to secure \$25 million in funding to fight the avian flu. Today, some of this money is already helping the World Health Organization to step up its international surveillance and response efforts.

But obviously more money is needed—much more. Last month, I joined Senator HARKIN and others in offering an amendment to the DOD appropriations bill to provide almost \$4 billion to fight the avian flu. I am pleased that Senator STEVENS cosponsored the amendment and it was accepted into the appropriations bill. At this point, I am hoping that the House will agree to this funding in conference.

Although we have begun to step up to the plate in the Senate, it is unfortunate that none of the avian flu bills that have been introduced have yet been passed into law. There has been too much talk, not enough action. And this is not just true in the Congress.

One year after publishing the draft pandemic flu plan, the administration still has not released the final HHS pandemic flu preparedness plan. Half the States have not published plans either, and we know that many of these States will need substantial help.

This lack of planning is compounded by the fact that we still don't have an FDA-approved vaccine against avian flu, and the one drug that many countries are relying on, Tamiflu, may be less effective than experts had thought. The manufacturer is also struggling to meet the demand, and it could take up to 2 years for it to make enough for the U.S. stockpile, presuming this administration finally puts in an order for the drug.

I ask my colleagues how many hearings and briefings have they sat through where witnesses and experts have urged the Government to be better prepared for these types of crises?

The failure to prepare for emergencies can have devastating consequences. We learned that lesson the hard way after Katrina. This Nation must not be caught off guard when faced with the prospects of a pandemic because the consequences are simply too high.

The flyways for migratory birds are well established. We know that avian flu will likely hit the United States in a matter of time. With the regular flu season coming up shortly, conditions will be favorable for the reassortment of the avian flu virus with the annual flu virus.

Such reassortment could lead to a mutated virus that could be transmitted efficiently between humans, which is the last condition needed for pandemic flu.

The question is, Will we be ready when that happens? Let's make sure the answer is yes. I urge my colleagues in the Senate and the House to push this administration to take the immediate action needed to prevent catastrophe, the likes of which we have not seen during our lifetimes.

I thank the Chair, and I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to be recognized at this time.

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

#### ENERGY

Mr. WYDEN. Mr. President, a few months ago, the President signed into law an Energy bill that did virtually nothing to prepare America for any kind of crisis for a disruption in the oil supply. Now, a few months after that new law was signed, a scavenger hunt is underway to come up with yet another bill to address the issues that Congress ignored in the 2005 Energy bill.

The problem is that much of the new legislation tracks the troublesome trends of the bill that was signed. What I want to do this morning is spend a few minutes talking about why I think that is the case, why I think this legislation is misguided, and then to suggest some alternatives.

The central problem, in my view, is that this new legislation essentially says to these well-stuffed, well-oiled energy lobbies: We will give you more than you got. This is on top of the fact that oil refiners have seen their profits skyrocket by 255 percent over the last year, an extraordinary fact—a 255-percent increase in profits for the oil-refining sector. And now we are talking about another piece of legislation to subsidize these folks and others who are literally swimming in cash today.

I do not believe that one of Congress's top priorities, after the tragedy of Hurricane Katrina, should be to help these special interest lobbies that already are swimming in cash.

There are too many Americans who are far from swimming in those kinds of funds. They are still trying to clean up the flood waters. They are mucking out their homes in the State of the Presiding Officer, Louisiana. They are trying to rebuild from the rubble of south Mississippi. Many of them do not have a dime to their name. I believe it would be shameful if Congress returns to business as usual writing blank checks for these powerful energy lobbies, using the storms in the wake of these hurricanes as an excuse, as a Trojan horse, for handouts to the powerful energy lobbies in this country.

Let me outline the exact status of the subsidies that are on the books now

and what was added in the bill in 2005. Under the laws already on the books before the Energy bill was enacted, oil and gas industries were on tap to get about \$1.4 billion in tax breaks and other subsidies for a total of \$6 billion in taxpayer subsidies over the next 5 years.

With the Energy bill signed into law, the oil and gas interests will get another \$2.6 billion of additional tax breaks and subsidies on top of what they were already slated to receive. That includes an ability to write off up to 50 percent of their costs in the first year, to name just one of the special interest breaks that was in the legislation. But now we are talking about letting those who have received these huge subsidies get another opportunity at the all-you-can-eat buffet.

So the taxpayers and consumers who are footing the bill for hurricane cleanup, paying for tax cuts for some who are extremely affluent, are now going to be faced with the prospect of paying for additional subsidies for these energy interests.

Two weeks ago, the House passed legislation to provide additional financial subsidies to benefit the oil refining industry. Under the House legislation, refineries would get a regulatory risk insurance program to cover all the refineries' costs if their production is reduced because of a delay in the permitting process.

There is no limit on the amount of these subsidies for refineries, while the refineries get essentially guaranteed cost protection. What the Federal Government is essentially doing is privatizing the gains of these refineries and socializing the risks. There is absolutely nothing in the legislation to require refineries to protect consumers from the soaring costs they face today.

In my view, there is no need for these refiners, whose profits increased more than 250 percent in the last year, to get even greater financial rewards on top of the subsidies they are already getting in the brandnew energy law. In effect, what we are talking about is the prospect that these energy lobbies will become triple-dippers. They already received big subsidies in the old law. Then they received additional subsidies in the just-signed legislation.

We are talking about a third dip, a third round of subsidies, and I happen to think that is too much. Even the President said when oil is trading at upwards of \$55 a barrel the oil companies do not need incentives to produce more. When the President, who certainly is not hostile to oil interests, says the oil companies do not need a deal from the Government, that ought to tell us something.

With oil selling for what is getting to be close to \$70 a barrel, Congress should not be giving more taxpayer money away to these energy interests.

What I suggest is two practical steps that Congress ought to look at as we consider energy legislation in the days ahead.

First, I think the Congress should freeze the new subsidies that Congress lavished on the oil interests that are now earning record profits from record high prices. Nobody is talking about taking away what was there before the 2005 law was passed. What was there before the 2005 law was passed would remain in place. What I am talking about this morning is freezing the new subsidies, the new dollars that Congress just passed, despite the fact that the President of the United States said it was not even needed. What I would propose by freezing those new subsidies is that the Congress redirect those dollars to help low-income Americans who are at risk, literally, of freezing in their homes this winter.

For example, the \$2.6 billion in new subsidies for oil interests could be used to pay for weatherization assistance to more than 1 million low-income homes, taking basic steps to improve energy conservation. Adding insulation and sealing energy-leaking windows and doors can help these families reduce their heating bills substantially.

Congress could help consumers further by using the Federal Government's purchasing power to make taxpayer energy dollars go further. The Federal Government is the largest consumer of energy in the country. The Federal Government could use its substantial purchasing power to get some real discounts in the marketplace for the Government's energy purchases. These cost savings could be achieved not only for direct energy purchases for Federal agencies' power needs but especially for the Low-Income Home Energy Assistance Program. Instead of reimbursing consumers for their sky high energy bills when they come due, the billions of dollars spent each year under the Low-Income Home Energy Assistance Program could be used up front to acquire lower cost energy to help low-income Americans.

So the question is, Is the Federal Government going to be a smart shopper? Is the Federal Government going to use its marketplace clout for programs such as the one that serves low-income people to make sure that the Government gets more for its money?

Everybody in the private sector shops that way. They are in a position to make volume purchases. They go to the people with whom they contract, and they say: We are going to buy a lot of your product, give us a deal.

This is essentially what I am proposing be done for the Low-Income Home Energy Assistance Program: the Federal Government use its clout in the marketplace, the Federal Government use its purchasing power to get discounts for this program and to acquire lower cost energy to help low-income Americans.

The bottom line is our country can do better. I believe we could have done better in the Energy bill that was just passed. It seems incredible that just a few months after that law was passed and there were great celebrations