

And if we are going to talk about health care, isn't it about time—isn't it about time—we got to stem cell research? We are approaching May 24, the 1-year anniversary of the House passing their stem cell bill, and we still haven't seen it in the Senate. Ask any of the Nevadans with whom I visited if they are more interested in seeing the Senate spend its time on issues of stem cells, an issue that offers hope to millions and millions of Americans suffering from heart disease, Parkinson's, Alzheimer's, Lou Gehrig disease, diabetes, or if they would rather see the Senate spend its remaining days debating same-sex marriage? The answer is obvious. I hope the majority leader, who said he supports stem cell research, will allow us to move forward with the House bill. Stem cell research offers hope to millions of Americans, and the Senate must not stand in its way.

Immigration. President Bush likes to point fingers on immigration and many other issues. I repeat: President Bush likes to point his finger on immigration and many other issues. Isn't it about time we move beyond that? Isn't it about time we pass comprehensive immigration reform that will secure our borders and secure our country?

Before we left for our 2-week break, we had a bipartisan immigration deal that was blocked by a handful of Republican Senators. That arrangement would have sealed our porous borders, given 12 million undocumented workers a reason to come out of the shadows, and provided personnel to enforce our laws, so existing "employer sanctions" would be more than just words. It also had a very important provision to take care of guest workers.

The Senate can move forward on immigration if the President will stand up to those in his party who are filibustering reform and tell them to quit standing in the way of America's security.

It is my understanding that the President gave a speech in Orange County, CA today. By the way, that is where San Diego is, where the highest gas prices are in the country, and maybe he should have spent a few minutes talking about that. Speaking about immigration, the President said he wants to do something about security. We all want to do something about securing our borders; everybody does. Is that a stand of integrity and courage? No. Everybody wants to do something about protecting our porous borders. The President says he wants to do something about a guest worker program. What? What does he want to do? It is easy for him to criticize. What does he want to do? Let us know what he wants to do. He is the leader of his party. He never got involved in the immigration debate until the two votes had taken place, and then he was a great finger pointer.

It is interesting. In all that I have heard when the President talks about immigration, what does he say about

the 12 million who are here who are undocumented? What does he want to do? His party is split. What does the President of the United States want to do? What does he want to do on security? He wants to protect our borders. So do we. What does he want to do with guest workers? Rather than just words, tell us what his program is. He has a staff of thousands. Have a few of them come up and tell us what the President wants on a guest worker program. It appears he doesn't want anything. But does he want us to do anything with the 12 million? Let him take a stand on that.

The Martinez bill that came before the Senate was not supported by any of the Republicans. The Martinez bill had a provision for 7,000 new workers via Immigration and Naturalization, and their sole function would be employer sanction enforcement. I thought that was a step in the right direction. Does the President want that? Does he want stronger employer sanctions? I repeat: What does he want regarding immigration? I think he has to move beyond security, because all 100 Senators want that.

Finally, if we are going to do taxes, let's do something that will make a difference for those who need it. Talk to any economist and they will tell you that in America today, the rich are getting richer, the poor are getting poorer, and the middle class is being squeezed. Could we spend a little bit of time here on the Senate floor talking about tax relief for the middle class, this vanishing breed we have in America? It is not much of a distinction anymore to be a millionaire; it is whether you are a multibillionaire. That is what gets some attention. A millionaire is not much anymore; there are lot more of them. The poor are getting poorer and poorer, the rich are getting richer and richer, and the middle class is being squeezed.

We could start this tax debate by fixing the AMT, the alternative minimum tax. AMT was originally established to ensure that millionaires paid their fair share. But because AMT income levels were not indexed for inflation, it has essentially become a tax increase for millions of middle-class families. That was never its purpose, and we should fix it and fix it quickly.

Tax fairness should be the Senate's focus, not immoral, unfair tax breaks that will benefit a privileged few, which is further exacerbating the problem we have in America today where the rich are getting richer, the poor are getting poorer, and the middle class is getting squeezed, squeezed, squeezed.

So in the weeks ahead, we are ready—the Democrats are ready—to work with the majority on the real issues facing our country. Let's spend some time here debating these issues, legislating high gas prices and immigration and improving our Nation's security. We want to put politics aside and take up the real work facing our country.

With the right priorities and the right commitment from the majority, we can move America in the right direction and give the people the real solutions they need. America can do better, and we can do it together. That is what we need: bipartisanship, working together on America's problems.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from West Virginia.

THE SENATE AS A SAUCER

Mr. BYRD. Mr. President, an oft-repeated metaphor compares the U.S. Senate to a saucer in which a hot liquid is poured to cool. The earliest known written version of this story appears in an 1871 letter from constitutional law professor Francis Lieber to Ohio Representative and later President James A. Garfield. Lieber recounted a story he had heard about Thomas Jefferson's visit to Mount Vernon where Jefferson disagreed with Gen. George Washington over the need for a bicameral legislature, and Washington's response:

"You, yourself," said the General, "have proved the excellence of two houses this very moment."

"I," said Jefferson. "How is that, General?"

"You have," replied the heroic sage, "turned your hot tea from the cup into the saucer, to get it cool. It is the same thing we desire of the two houses."

The Washington-Jefferson dialogue drew further attention in the writings of the late 19th century American historian Moncure D. Conway, who altered the language and the beverage:

There is a tradition that on his return from France, Jefferson called Washington to account at the breakfast table for having agreed to a second chamber.

"Why," asked Washington, "did you pour that coffee into the saucer? Why did you do that?"

"To cool it," answered Jefferson.

"Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

Francis Lieber never discovered the source of this delicious anecdote, but whether or not the incident really occurred, the story has been widely embraced because it conveys the essence—the essence—yes, the essence—of the U.S. Senate. What is the essence? It is a deliberative body. It is a deliberative body sheltered from shifting public opinion by longer and staggered terms, and originally by being elected via the State legislatures. It serves as a counterbalance to the U.S. House of Representatives.

The saucer story explains, in simple terms, the significance of the Senate, from its origins through its evolution into the most powerful upper body of any national legislature in the world. Do you get that? Think about that.

Senators and other close observers of the institution have grappled with their own ideas about the Senate seeking to highlight its unique and enduring attributes, and to explain its role

in the American system of checks and balances. What is it? What is it? What is it that makes the Senate stand apart from other legislative bodies? What is it? What is it that makes the Senate stand apart from other legislative bodies? Why have its seemingly arcane rules and traditions survived, and what purpose do they serve? Over the next few months, the Lord willing—

You see, from the Book of James in the Bible, don't say "I'll go here" or "I'll go there," to this city or that city, and I will be this or that. You better qualify that. As my old mom used to say: Robert, you must say, "if the Lord willing." If the Lord wills it, you will do thus and so—if the Lord willing, or God willing. That has stuck by me all through these 80 and more years: If the Lord wills it.

Over the next few months, the Lord willing—I can't say that. You know, if I say over the next few months, who knows? But, if the Lord wills it—God willing, in other words—over the next few months I plan to offer a series of addresses in which I shall sample these ideas of the Senate with some explanation of each observer. Their ideas have ranged from the necessity of the Senate to its role as a balance wheel with the "people's House," the other body. They have focused on the rules of the Senate and its civility and decorum. They have viewed the Senate as a protector of constitutional liberties, a source of stability, and a product of politics.

As a deliberative body, the Senate has been hailed as a place for second thoughts, as a continuing body, and as an institution that values its traditions. The form of Senate elections, changed by constitutional amendment, and the rules for unlimited debate and cloture have been adjusted over the years, but the Senate still differs in fundamental ways from the House of Representatives. It stands out, the Senate does—the Senate stands out as a body of individuals with peculiar folkways that have fostered what has been described as the "Senate type."

A body of equals among individuals and among States, the Senate has been a difficult institution to lead. Its deliberations have frustrated impatient Presidents. Well, who cares? Senators don't care if they frustrate Presidents. Presidents come and go. Senators may stay on and on and on.

Its deliberations have frustrated impatient Presidents, leaders of the House, and even, yes, leaders of the Senate who seek speedy enactment: Let's get it done. We are in a hurry. Let's get it done. Do it now.

Remember that TV advertisement which said, "Do it now, do it here; do it now, do it now?"

There have been many efforts to modernize the Senate in order to meet new challenges. I have been here a long time. I have seen these efforts on the part of Senators. Some of them come over from the House of Representatives. They want to make this body

into another House—let's get it done. Get it done; do it now; do it here; fast.

Yes, there have been many efforts to modernize the Senate in order to meet new challenges. Able leaders have demonstrated courage and skill in forging alliances and building friendships to pass legislation. I did that when I was leader of the Senate. I forged alliances with such and such a Senator. I forged an alliance. Despite more than two centuries of pressure to change and "modernize"—let's put quotation marks around that word, "modernize"—despite more than two centuries of pressures to change and "modernize," the Senate, as an institution, remains remarkably similar to the body created at the Constitutional Convention in 1787. It retains all of its original powers, including providing advice and consent—yes. You said it. You better read that again in the Constitution. It retains all of its original powers, including providing advice and consent to Presidents on nominations and on treaties, serving as a court of impeachment—you better believe it, Mr. President. The Senate can send you home. You better believe that.

If the House impeaches you, the Senate will try you. The Senate, don't forget it, serves as a court of impeachment and has an equal say with the House on legislation. The Senate has an equal say with the other body on legislation.

As my statements in the weeks ahead—Lord willing, God willing—will suggest, the distinctive features of the Senate have survived for so long because they have purpose and will endure as long as they serve the good of the Nation.

Mr. President, I yield the floor, and 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

ENERGY

Mr. WYDEN. Mr. President, the same Bush administration that so tragically bungled the response to Hurricanes Katrina and Rita has now bungled its way to \$3 per gallon gasoline. Unless you were a hermit living in a cave last summer, you couldn't have missed how miserably the administration has failed in its approach to natural disasters. Now it is clear to anyone who fills up at a gas pump that this administration is also failing in its approach to energy. In both cases the administration had advanced notice that a major problem was imminent and in both cases the administration failed to take action to head off the problem before it became a major crisis for the American people.

For Hurricane Katrina, disaster experts had testing that predicted in the

spring what could happen, but the administration ignored the warnings of its own experts as major hurricanes were heading toward the gulf coast. If anything, the administration's failure to take action to prevent gas shortages and price spikes is even more indefensible because they had more advanced warning and greater certainty that the problem was coming.

The Bush administration knew last summer—almost 9 months ago—that gasoline shortages and price spikes would hit hard this spring. If ever there was a time to be watchful about oil markets, it has been during the past months as markets have gyrated virtually nonstop with one international crisis after another.

Nigeria has lost a quarter of its output, Iraq's oil production has fallen below prewar levels to its lowest point in a decade, Iran says something warlike about its nuclear program, and oil prices shoot up \$10 per barrel, and today Venezuela announced that it will move toward nationalizing its oil industry and will cut output, which should put even more pressure on supply and demand.

Yet even with all of this turmoil in world oil markets, the key watchdogs at the Energy Department, at the Environmental Protection Agency, and the Commodity Futures Trading Commission are all absent without leave. No one is home minding the store when it comes to our oil and gasoline markets.

Never before has there been an administration with so much expertise in the oil industry. The President and the Vice President of course know a great deal about the oil sector. The Secretary of State was a director of Chevron and actually has an oil tanker named after her. The list goes on and on. But none of this expertise seems to be being used to help consumers at the gas pump.

The administration's recent inaction in the face of soaring prices is only the latest in a long line of failures. In what is a virtual rite of spring, gas prices typically spike as refineries shut down for maintenance to switch over to summertime gasoline blends. That has happened each of the last several years, and in each instance the administration has done nothing to help consumers at the pump. But this year the administration had good reason to know that a "perfect energy storm" would hit the consumer this spring, and it was clear that spikes would be even worse than prior years.

For example, the Wall Street Journal reported on August 12, 2005:

A provision in the massive energy bill that cleared Congress last week is likely to shrink the nation's gasoline supplies next spring and could boost prices 8 cents a gallon or more.

The Wall Street Journal went on to describe the likely impact of eliminating the requirement to use cleaner burning additives in gasoline, saying: