and never have we had a situation like we have had this past 6 months. We have to move to cloture on virtually everything—everything. I am going to file, now, tonight, four cloture motions. Never have we had to do this before.

It is common practice, and has been for all the time we have been a Senate, that, because you are dealing with the House, you are offering a substitute amendment that takes place with the Senate bill. Without going into a lot of detail, we rarely in the past had to file cloture on not only the substitute but also the underlying bill. We have to do it on virtually everything. We have never had to file cloture on every motion to proceed. That is what we are having to do now. It is a tremendous waste of the time of the Senate and of the country, but that is what we have to do. That is what I am going to do tonight.

It is going to become apparent, and is to some people, and some writing is taking place on it now, that we had to file so many cloture motions. It is because we have on almost every occasion had to file cloture on everything. It is a struggle to get legislation here to the floor. The minority's goal, the Republicans' No. 1 goal, I guess, at this time is to see that we don't get anything done. But in spite of that, we have been able to get a lot done. It has been difficult. It has been slogging. It has been slow.

We have a list of things we have been able to accomplish, with which I think the country should be very happy—minimum wage; we have been able to get disaster relief for farmers for the first time in 3 years; we passed a balanced budget amendment; we funded the Government with a continuing resolution. We have been able to do a number of things. There is no need to run through the entire list tonight other than to say it is too bad it has been so difficult to get those things done. We are very close to being able to finish the conference on the lobbying ethics reform; 9/11—I spoke to Senator LIEBERMAN earlier this evening, that is basically all done.

We have a difficult schedule. Why? Because of having to jump through every procedural hoop. It would be different if we were doing it because of people who didn't like immigration. I understand that. But we are doing it on everything we bring through the Senate.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. BROWN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Baucus tax amendment No. 1704 to H.R. 6, the Energy bill.

Max Baucus, Jay Rockefeller, Kent Conrad, Jeff Bingaman, John Kerry, Blanche L. Lincoln, Charles Schumer, Amy Klobuchar, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Ken Salazar, Daniel K. Akaka, Daniel K. Inouye, Sheldon Whitehouse, Sherrod Brown, Harry Reid.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid substitute amendment No. 1502 to Calendar No. 9, H.R. 6, the Energy bill.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

Mr. REID. Mr. President, I ask unanimous consent that on the first cloture motion I filed, the mandatory quorum required under rule XXII be waived.

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

Mr. REID. Mr. President, on the one I just filed, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

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

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

Mr. REID. I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

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

Mr. REID. Mr. President, I was going to ask, on a number of these matters, unanimous consent that we move forward on them. I am not going to do that tonight. I only appeal to my friends, the Republicans, that they take a look at this and find out if it is absolutely necessary that we have these cloture votes. If we follow through on all these, we will have to work both this weekend and part of the next weekend. I hope we do not have to do that. If it were productive time, it would be one thing, but it is basically a waste of time.

FREE CHOICE ACT OF 2007—MOTION TO PROCEED

Mr. President, as I indicated, I was going to ask consent that the Senate proceed to consideration of Calendar No. 66, H.R. 800, the Free Choice Act of 2007, at a time to be determined by the majority leader following consultation with the Republican leader, but I am not going to do that.

CLOTURE MOTION

I now move to proceed to Calendar No. 66, S. 800, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, am I next in the order?

The PRESIDING OFFICER. The Parliamentarian shows the Senator from New Jersey is to be recognized for up to 10 minutes and then the senior Senator from New York for up to 10 minutes.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Employee Free Choice Act, of which I am proud to be an original cosponsor. This bill will level the playing field for workers seeking a voice at work and ensure they have the freedom to choose to join a union without coercion. I applaud Senator KENNEDY for his passion to move this bill forward and his relentless fight to improve and uphold the rights of workers.

Some may ask why this change is needed. They may think that in 2007, in this great democratic Nation, the right of an employee to seek representation in their workplace is alive and well. It should be. But the fact is, under current law, there are loopholes that have

been exploited, tactics that have been utilized, and actions taken against employees that have undermined the basic rights to which employees should be entitled.

We have a chart that shows the number of workers facing roadblocks trying to form a union. From start to finish, workers often face roadblock after roadblock in trying to seek union representation. Active union workers are fired; employers challenge and file appeals with the NLRB; and employers can simply stall the process and prevent it from moving forward.

We cannot ignore that there are some concerted and disturbing efforts that have tainted what should be a fair process. In that process, employees are fired in roughly one quarter of all private-sector organizing efforts. One in five workers who openly advocate for a union during an election campaign is fired.

In 2005 alone, some 30,000 workers experienced some form of discrimination for their participation in an organizing effort, resulting in lost wages or lost jobs. And, in an increasingly common trend, a vast majority of private employers are hiring union-busting consultants to fight unionization drives.

Clearly, existing law has not been enough to deter these types of tactics. The Employee Free Choice Act would close loopholes that have allowed employers to abuse the labor process without repercussion, and it would beef up the penalties for violation. Part of the problem is that under current law, there is not a strong enough incentive to follow the law.

While employers face stiff penalties for firing an employee based on race, gender, or disability, they face minimal penalties for firing an employee for union organizing.

In addition to enacting stronger penalties, this legislation would essentially enforce the steps that are supposed to take place, but often do not. A key part of this bill is that it will bring people to the table. It would ensure that when employees make their voices heard, the process moves forward. This is not forcing the hand of employers or employees, but it simply ensures that negotiations that are supposed to take place will take place.

Currently, employees can agree to join a union, but then the process is dragged out for months or years. This is not the spirit of the law. The Employee Free Choice Act will restore that spirit and uphold the meaning of the rights employees are supposed to have.

Improving the rights of workers is not just about fairness—it is also about equity. We know that workers who have a voice at work have better benefits and are able to provide a higher quality of life for their families. When nearly half of all Americans report having just ''enough to get by,'' it should be obvious that we need to take action to improve the economic standing of many of our workers.

The fact is, union membership means higher wages. According to the Department of Labor, union workers earn 30 percent higher weekly earnings than non-union workers—that is an average of $191 dollars per week, or more than $9,000 per year.

This is especially true for minorities. Latinos represented by unions typically earn median wages that are 46 percent higher than non-unionized Latinos. Women and African-Americans typically earn more than 30 percent higher median wages when they are unionized. By opening the door for more workers to seek union representation, we are helping ensure a pathway to fairness and hopefully, a pathway to a better quality of life.

Hardworking Americans deserve the chance that this bill provides. They deserve a strong law that will not allow employers to skirt its meaning; a law that will protect their decisions and ensure their voices will be heard.

That is why I support this bill. I believe a majority of voices should be upheld and I believe that our workplaces should be the very best they can be for our Nation's workers.

So I urge my colleagues to support the Employee Free Choice Act to protect and enforce the rights of any worker to freely join a union; free from intimidation, free from back-door tactics, free from fear of retribution. That is a right. That is a right that no worker in America should be denied.

I hope we will have the support of our colleagues when this comes to a vote on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to first speak briefly about the Employee Free Choice Act, which is a very important piece of legislation. In fact, I introduced the original bill 4 years ago, worked hard to persuade many of my colleagues in the labor movement that this should be a top priority. I am so glad it is. I wish to salute the Senator from Massachusetts, Mr. KENNEDY, who has taken leadership on this issue. I am proud to be an original cosponsor of the bill.

Let me say this: Before the union movement in America, we had a few wealthy people and a lot of poor people and not much of a middle class. The great thing about the union movement is it created a middle class. Through struggles of laboring men and women from about 1870 to 1960, America became a country that was about 30 or 35 percent unionized.

What that meant was that wages rose, benefits rose, health care rose, and America was a prosperous country. Without a middle class, America would not have prospered. Then, in the late 1970s and early 1980s, many employers who wished to prevent unions or beat back unions found new ways to basically thwart what was the original thrust of the NLRB, which was to freely allow men and women to organize.

They hired lawyers. There are law firms with hundreds of people whose whole job is to prevent unionization. They basically succeeded. So as old industries closed, new industries that have as much reason to organize did not. Factories closed, office towers came about, but the union jobs did not follow from the factories to the office towers, with the exception of the public sector.

So now we are in this situation where fewer than 10 percent of American workers are organized. That hurts America. That means that men and women are not able to bargain collectively for rights. When you talk about declining wages of the middle class, when you talk about declining health benefits of the middle class, one—not the only but one of the reasons is we do not have unions.

Fewer and fewer Americans are organized. What the legislation does, what the Employee Free Choice Act does, is very simply restore the balance so it would be as easy to organize a factory in an office tower in 2007 as it was to organize a factory in the 1930s or 1940s or 1950s.

To show you the law works, Canada has basically the same economic structure as America. Canada is over 30 percent organized and America is 8 percent organized. One reason, they have a law such as the Employee Free Choice Act which allows a majority of employees to sign a card and then a union takes effect.

One of the great problems in the new America is income inequality. The top 1 percent of America represents 9 percent of the income in 1980, 16 percent in 2001, and now it is over 20 percent by the latest statistics. One of the many ways to overcome that inequality is to make it a little easier for people to organize.

So I think this legislation is extremely important to the basic fabric of America. If we want middle-class people to continue to have wage growth and benefit growth, unions are basically essential. So I am proud to support this legislation.

I understand there are employers who fight it tooth and nail. I have seen some of the ads. There is one today in one of the papers, particularly vicious, with a picture of a union leader and then of two dictators. I thought it was the kind of cheap shot we shouldn't see in this country.

The bottom line is simple. This legislation is vital to the health, economic health of working men and women and vital to keeping a middle class in America and not reverting to the old days, when you had very few wealthy people and a large number of struggling people. I support the legislation.

AMENDMENTS NOS. 1604, 1605, 1606, AND 1656 TO H.R. 6

Second, I would like to speak about amendments 1604, 1605, 1606, and 1656, amendments I will be offering to H.R. 6. I am not going to offer them tonight because none of my colleagues from

the opposing side are here. But they are important.

This is an energy bill that is vital to the country. We all want to curb the emission of CO_2, we want to curb our dependence on foreign oil, and we want to bring down the prices of gasoline, electricity, and all the other commodities that are petroleum dependent. There has been a great deal of talk and focus on alternative fuels. That is very good. But alternative fuels are the ''sizzle'' and conservation is the ''steak'' when it comes to reducing our dependence on oil and particularly foreign oil

It costs about a quarter as much to conserve as it does to create an alternative. So these amendments are very simple. I wish to thank the Finance Committee, first, for drafting a provision that will take billions of dollars in tax breaks and other benefits from the oil industry to create new, improved incentives to promote solar power and wind power and cellulosic ethanol.

But we also have to do energy efficiency. You do not have to be Thomas Edison to know that better energy efficiency is a win-win for American families. The Federal Government, thus far, has failed to take the lead in promoting commercializing or deploying energy efficiency technologies despite their cost-effectiveness and reliability.

Unlike the development of cutting new alternative and renewable fuel sources, we do not have to wait for new technologies to reap the benefits of energy efficiency in our homes. An excellent example is our largest State in population, California. Over the past 30 years, it has demonstrated significant efficiency gains that can be achieved through various energy efficiency measures, especially by increasing the efficiency of utilities, buildings, and appliances.

With these measures, California has generated more than 20 percent of energy savings since 1975. California's energy use, per capita, is similar to many countries in Europe because they did this 30 years ago. So if California can do it, so can America.

The four amendments I have mentioned, one on buildings, two on appliances, and one on electric generation, take the California legislation and basically apply it to America. I am going to discuss each.

The first amendment will create a national energy efficiency resource standard that would require utilities to achieve a small percentage of energy savings every year based on their annual sales.

Under my amendment, utilities can generate energy savings through a variety of ways, including helping their customers save energy through energy-efficient programs, improving energy efficiency in their own distribution systems or credit trading.

Energy savings requirements are phased in in small increments each year, which will give the utilities enough time to boost their energy savings program.

This is not a new idea. Many States already successfully have implemented EERS standards—not only California but Colorado, Connecticut, Hawaii, Minnesota, Nevada, Pennsylvania, Texas, Vermont, Virginia, and Washington.

Several States, including my State of New York, as well as New Jersey, Illinois, Massachusetts, and North Carolina, are actively working to implement the standard. Since the States are moving forward on this standard, it makes sense for Congress to create a national standard so all Americans can reap the benefit of increased energy savings.

According to the American Council for an Energy Efficient Economy, by 2020 a national EERS will reduce peak electric demand by 130,000 megawatts, saving enough to power 40 million households and reduce CO_2 emissions by more than 300 million metric tons. That is equivalent to taking 70 million cars off the road. Is that not incredible? By simply requiring our utilities to be efficient, it is equivalent to taking 70 million cars off the road. I hope we are going to do it. It would save U.S. consumers $26 billion from their utility bills. So this is a huge amendment that can do a great deal.

Now, my second amendment deals with buildings. Buildings account for 37 percent of the total energy used in the United States and two-thirds of the electricity. We all focus on cars. We are going to have a fight on CAFE standards. But buildings are as important as cars in producing efficiency. There is much less controversy and we can get it done more easily.

California has demonstrated that significant energy gains can be achieved through State building codes that are well designed and implemented. But despite the great savings made by California, many States have inadequate State building codes or none at all.

Again, the Federal Government has lagged behind the States in setting aggressive energy saving building codes. Under my amendment, commercial and residential building codes will be required to meet specific energy use targets. Both must be 30 percent more efficient by 2015 and 50 percent more efficient by 2022.

States will be deemed compliant once they adopt an acceptable code and as long as 90 percent of all new buildings comply with the States's code. Even if a State is not in compliance, each city that meets the criteria will be in compliance.

I wish to salute the mayor of New York, Michael Bloomberg, for taking the lead in imposing such standards on the city of New York.

Finally, my amendment will authorize funding for technical assistance, training, and to help States ensure they are in compliance with these energy-efficient targets. Again, according to the Alliance to Save Energy, this amendment—listen to this—could save our country 5 percent of its total energy use. That simple amendment, done now in California, could be done here—5 percent of our total energy use. It would save consumers $50 billion a year and reduce greenhouse gas emissions by an equivalent of taking another 70 million cars off the road. So it is obvious we should do these things.

Finally, the amendments on appliances. Again, California took the lead in improving energy efficiency standards for appliances. However, Federal law has restricted the ability of States in favor of lower Federal standards that, in many cases, have languished at DOE. For example, earlier this year, the GAO found that DOE had missed 34 out of—guess how many—34—34 out of 34—Congressionally set deadlines for reviewing and updating appliance and equipment standards.

GAO found that delays on four of the overdue standards will cost consumers $28 billion in energy savings by 2030. In addition, even when DOE finally gets around to setting the new standards, these standards fail to meet the very real energy needs of our country.

My amendment also fixes these problems in the bill. First, they will strengthen the process through which the States can apply to DOE to set higher standards for appliances that are currently regulated by the Federal Government; second, to restore authority for efficiency standards—that is the second amendment—to the States when DOE misses legal deadlines for setting or revising standards.

My amendment states that if DOE misses legal deadlines for setting up updated efficiency standards, States may create higher standards that allow them to address their energy needs more effectively.

By cutting our energy use through these energy efficiency measures, while also increasing the use of clean, renewable alternative fuels, we can make a huge difference and begin to address our energy problems, from ending our dependence on unstable foreign sources of oil to helping consumers lower their rising energy bills. I urge adoption of these four commonsense efficiency measures and look forward to working with the managers of the bill as we go forward.

MORNING BUSINESS

Mr. SCHUMER. I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

IRAQI HUMANITARIAN CRISIS

Mr. FEINGOLD. Mr. President, when the United States went to war with Iraq in 2003, a number of observers feared that a massive humanitarian crisis could occur if a smooth transition was not successful. Despite the quick collapse of Saddam Hussein's