

hoped it would. Obviously, I regret that we were not able to go ahead with a vote on a renewable energy or electricity standard and also that we were not able to invoke cloture on the tax title of the bill. Nonetheless, I do think the bill will make important contributions to our energy security. I am proud to have worked on it with my colleagues.

Much has been said about the bill, and I am not going to debate the issues involved again today. We spent 9 days debating the bill and filled many pages of the CONGRESSIONAL RECORD with that debate. But I would like to thank the many members of the Senate staff who have invested such long hours and enormous effort over the last couple of months to make this bill possible.

In the hurry to get the vote accomplished last night, it was not possible to express appreciation to these staff members whose assistance was absolutely invaluable.

First and foremost, I thank Bob Simon, the staff director of our Committee on Energy and Natural Resources. His knowledge of the issues, his wise counsel, and his tireless energy were invaluable to me and to the Senate, in my view.

I also, of course, thank Sam Fowler, our general counsel. He was involved at every step in the development and the passage of the legislation. The work product we have finished with out of the Senate is much better for his involvement.

In addition, I thank Allyson Anderson, who worked on the carbon sequestration title and geothermal issues; Angela Becker-Dippmann, who kept track of the 350 or more amendments that were filed on the bill; Patty Beneke, who worked hard on the oil and gas leasing and public lands issues; Tara Billingsley, who worked on the biofuels title; Michael Carr, who worked on coal and transportation issues; Deborah Estes, who worked on the efficiency title; Leon Lowery, who labored mightily on the renewable energy standard or electricity standard; Jonathan Epstein, who worked on the science issues; Scott Miller, who helped on biomass and tax issues; and Cathy Koch of my personal staff and the staff director of the finance subcommittee on energy taxes, who played such a large role in crafting the tax amendment.

I also thank the rest of the professional staff of the committee, who pitched in to help when called upon: David Brooks, Paul Augustine, Jonathan Black, Mike Connor, David Marks, Jorge Silva-Banuelos, Al Stayman, and Bill Wicker; our support staff: Mia Bennett, Amanda Kelly, Rachel Pasternak, Britini Rillera, and Gina Weinstock.

Also, we have four excellent interns working with the committee this year: Kristen Meierhoff, Ben Robinson, Jodi Sweitzer, and Matt Zedler.

I also express appreciation for the work of the minority staff of the Com-

mittee on Energy and Natural Resources, and specifically: Frank Macchiarola, who is the Republican staff director; Judy Pensabene, who is the Republican chief counsel; Kathryn Clay and Kellie Donnelly.

I commend the Senate Finance staff who worked so tirelessly to craft a tax package that would have been an invaluable complement to the authorizing legislation. Senate Finance staff on both the Democratic and Republican sides of the aisle worked in concert to forge a bipartisan package and did that under the direction of Senators BAUCUS and GRASSLEY. I acknowledge their excellent efforts. The staff includes Pat Bousliman, Ryan Abramam, Jo-Ellen Darcy, Elizabeth Paris, Pat Heck, Mark Prater, John Angell, Bill Dauster, and Russ Sullivan, of course, the staff director.

I also thank Tom Barthold and the entire staff of the Joint Committee on Taxation, who helped us greatly, particularly with the tax package that was offered as an add-on to this bill.

Finally, I express my gratitude to the majority leader's staff. I have expressed my gratitude to the majority leader many times for his leadership in getting this bill to the floor and getting it passed through the Senate, but let me also thank the majority leader's staff and very able floor staff: Marty Paone, of course, the secretary for the majority; Lula Davis, the assistant secretary; Chris Miller, the majority leader's senior policy adviser; and all the other members of the staff, on both sides of the aisle, who worked very hard to see this happen.

To each of them, I extend my heartfelt thanks.

Shakespeare lamented how "oft good turns Are shuffled off with such uncurrent pay." I think if he were speaking today, he would probably say: Are shuffled off with such inadequate pay as a simple thank you.

So uncurrent or inadequate though it may be, our thanks is owed to all of the many staff members on our committees and in our personal offices whose hard work and professional assistance have made this legislative accomplishment possible. I am very grateful to each of them and wanted to acknowledge their contribution today.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, it is my understanding that roughly 30 minutes remains allocated between the Senator from Utah and myself.

The PRESIDING OFFICER. The Senate is in morning business with 10-minute grants.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes.

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

SENATE ACCOMPLISHMENTS

Mr. CORNYN. Madam President, I come to the floor this afternoon to respond to some remarks made by the distinguished majority leader earlier today. The majority leader listed accomplishments he believes the new majority has accomplished during the 6 months that new majority has been in power. He talked about homeland security funding, the SCHIP program, appropriations, the budget, Iraq, Attorney General Gonzales, and the Energy bill.

One of the things I admire about the majority leader is that he is a very good advocate. He knows how to put a good face on the facts. But I wish to suggest to my colleagues here that in reality, the current state of affairs in the Senate is not nearly as rosy as the majority leader would have us believe.

We spent nearly 2 weeks trying to craft an energy bill that would relieve some of the pressure on American consumers when they fill up their tanks or go to pay their electric bills. Unfortunately, the bill that was offered will not provide a single watt of new energy or a single drop of new oil. Instead, we saw amendments that would have improved the bill in this area defeated time and time again. Moreover, it will actually raise prices for consumers.

This bill, in fact, that was passed last night is bad energy policy because it will raise energy prices for consumers. It will enact, if finally signed into law, price controls, returning us to the failed energy policies of the 1970s and the 1980s, which produced shortages, gas lines, and other severe economic dislocation. This energy bill passed by the Senate last night will increase costs for American energy companies. It will force them to do more of their investment outside of the continental United States, and it will increase—not decrease but increase—our dependence on foreign sources of oil and gas, primarily from dangerous parts of the world and enemies of our country. It will enact unattainable Federal mandates. It will reduce the Nation's ability to compete in the global market against much larger state-owned energy companies for reserves around the globe. Finally, it will continue the prohibition on expanding the domestic production of oil and natural gas.

Instead of trying to work through these problems in a bipartisan way to try to actually bring results and solutions that make sense, the majority leader chose instead to file cloture on the bill, which means, of course, to close off debate and to force a vote so we could speed through it without resolving the predicament Americans will continue to find themselves in, with high prices at the pump and when they pay their utility bills each month. Last night, I am sorry to report, this body approved this ineffective—and perhaps even harmful—legislation.

Why, I might ask, were we so quick to pass this bill before we could turn it into something that might actually help the American consumer? Well, as it turns out, the reason we were in such a big hurry to close off debate and to stop our work before we could actually provide some relief to the American consumer when they pay their utility bills or when they fill up their gas tanks is because we have to turn to a bill that big labor regards as their single most important legislative agenda, and that is to eliminate the right of prospective union members to the secret ballot. That is right. The bill we are moving to next because we didn't have enough time to finish the energy bill to actually provide some meaningful relief for American consumers is designed to help labor unions intimidate workers into the decision of whether to unionize.

Our friends on the other side of the aisle are demanding that the U.S. Government strip workers of the right to a secret ballot when it comes to the decision of whether to join a labor union. As a matter of fact, they have deceptively named this bill the "Employee Free Choice Act." This is anything but a matter of employee free choice because it would deny workers the freedom of choice, exposing them to intimidation and manipulation that comes from anything other than a secret ballot. This bill ought to be called the "Employee NO Choice Act." It provides opportunities to bully workers into joining labor unions, stripping them of the valuable right to a secret ballot.

Why in the world would we move from one of the most pressing problems confronting our country today—literally a national security problem relating to our dependence on foreign oil—and failing to address the most pressing concerns that most Americans feel each day because of high gas prices and high electricity prices? Well, apparently, the answer is to turn to a partisan matter such as avoiding the secret ballot for union members.

Some of those who have given support to those across the aisle have attempted to provide the rationale. One explanation given last fall was that "the Democrats are beholden to labor and must pass the Employee Free Choice Act."

Unfortunately, this has the simple feel of political payback for efforts made by labor to provide Democrats control of Congress last November. I cannot see any other logical explanation for the timing and interruption of one of the most important pieces of legislation Congress will consider this year. In fact, just last week, the majority leader's spokesman explained that "we need to make clear to the American people that we are following through on the promises we made in November."

Madam President, I am not alone in my hesitation about this bill stripping American workers of a fundamental

right. Just a few short years ago, Democratic Members of Congress, including the author of the House version of this bill, wrote to officials in Pueblo, Mexico, to urge use of secret ballot in union elections. In that letter, those Democrats set forth the reasons secret ballots are essential. They said:

We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. . . .

We feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

I agree with the letter, but I disagree with this bill, which would strip workers of this valuable and fundamental right. Why would our colleagues on the other side of the aisle want to give big labor the power to intimidate, potentially, American workers? Why urge free choice and democracy in the international workplace, while offering no choice to American workers?

I am afraid the answer is clear. Union memberships have declined. According to the Bureau of Labor Statistics, union membership is down from 20 percent of the workforce in 1980 to just 12 percent now. Less than 8 percent of private sector workers belong to a union today.

As a recent Washington Times editorial explains:

Card-check unionization has quickly become the only way big labor seems to increase membership these days.

Big labor helped elect Democrats in the 110th Congress. In fact, union PAC contributions to Federal candidates increased 11 percent from 2004 and are higher than any other industry group.

The Center for Responsive Politics found recently that since 1989–1990, labor unions have comprised 6 of the top 10 political donors to Federal candidates and political parties, ranging from the AFSCME, to Teamsters, to the Service Employees Union.

This has all the earmarks of political payback, plain and simple. This should not be the reason we have taken up valuable time on the floor of the Senate—to deal with political payback. Now is not the time to repay political favors, when the Senate has a seemingly endless list of more pressing and urgent matters to solve. True free choice in any election only comes with the secret ballot. I think we all intuitively understand that. Union elections are no exception.

American democracy must preserve an employee's right to a secret ballot when deciding union representation. We should not even be considering this bill, but if forced to, we should oppose it.

I also want to point out on this front, in case you don't believe this matter is motivated by pure politics, that the majority leader scheduled a vote on cloture on the motion to proceed to the immigration bill immediately following the procedural vote on the se-

cret ballot bill on Tuesday. So no matter what happens on the vote to proceed to the union payback bill, we will not actually be considering that legislation—even if we were to vote to go to it. How can this exercise be categorized as anything other than a waste of the Senate's time?

I wish I could report that this is the first time our colleagues on the other side of the aisle, who control the Senate calendar, have held votes that waste time and divert attention from issues that are much more important. As America struggles with record prices at the gas pump, and our broken immigration system is in desperate need of reform, the new leadership of this majority believes the Senate should spend more time and energy on a nonbinding and purely political resolution on the Attorney General. I think that is unfortunate. Unfortunately, it is also indicative of the priorities we have seen.

Since taking control of the Congress 6 months ago, our colleagues have refused to address needed reforms of entitlement programs. The Children's Health Insurance Program, better known as SCHIP, that the majority leader said would greatly expand and provide benefits to individuals—unfortunately, we have not taken that matter up. In fact, our colleagues on the other side of the aisle have transformed this program designed to help children in need of having health insurance to one that would cover adults and children who are part of families making double the income the program started with. Instead of children of modest economic means, it has been expanded now as a new Government entitlement, leading the way more and more to a single-payer, Government-run system out of Washington, DC.

The majority leader also pointed out successes relating to the budget, while highlighting that the 109th Congress didn't even pass a budget. What the majority leader didn't say is, this budget contemplates the single largest tax increase in American history.

If the majority leader believes passing a tax-and-spend budget that includes the largest tax increase in history, does nothing to control entitlement spending, and explodes the debt is an accomplishment, well, it may be an accomplishment for tax-and-spenders, but it certainly was not an accomplishment for the American people. This budget was not an accomplishment for middle-class families and American entrepreneurs who will get socked with the highest tax increase in our Nation's history.

This budget was not an accomplishment for our children and grandchildren, who will have to deal with the consequences of this body's refusal to reform entitlement spending—a fiscal tsunami that we all know is coming. If we do nothing about entitlement spending, we soon will not have a dime to pay for anything else except four

things: Social Security, Medicare, Medicaid, and part of the interest on the debt.

This budget was certainly not something to be proud of. It includes more money than what the President asked for and doesn't eliminate a single wasteful Government program. It adds to our Nation's debt, and it raises taxes on middle-class families.

To date, this Congress, under the new majority, has failed to send any meaningful legislation to the President's desk for signature. Instead, the majority leader pulled the immigration bill from the floor, delayed consideration of an energy bill, ultimately passing a bill that will fix none of the current problems, and pursued political resolutions aimed at weakening the President, at the expense of strengthening our Nation.

Only one of the "six for '06" initiatives that our Democrat colleagues heralded when they got elected to the majority have become law, due in part to their lack of bipartisanship and cooperation.

Their agenda so far has included passing a budget with the largest tax increase in American history; increasing spending on wasteful programs; they have sought to micromanage the war rather than to give our commanders and soldiers, sailors, airmen, and marines on the ground the opportunity to actually succeed; they forced our troops to shoulder pork barrel projects and made them wait 117 days to get a bill to the President that he would sign—an emergency spending bill that would get necessary relief to our troops in a time of war; they sought to raise the minimum wage without protections for small businesses; they have hampered the 9/11 Commission recommendations with paybacks to unions; they forced taxpayers to fund embryonic stem cell research under circumstances that many Americans would find crosses a moral line, by taking life in order to conduct scientific research; they have undermined a successful Medicare prescription drug plan in favor of a Government-run health care plan, and opposed market-based solutions.

My friends across the aisle have had a rough go of it during their first 6 months in the majority. They would have you believe, and the majority leader would have you believe, from his comments earlier today, that they have not been able to accomplish anything because of their narrow majority here.

In truth, however, the blame lies with the incredibly partisan way in which the majority has conducted themselves. They have refused to cooperate with this side of the aisle to accomplish many good things for the American people, instead filing a record number of cloture motions and bringing this body to a halt—40 times so far this Congress, compared with 13 during the same period of time in the 109th Congress, 9 in the 108th, and only 2 in the 107th Congress.

I am here to urge our colleagues in the majority to discard the approach they have attempted so far, which is to ram legislation through a closely divided body without compromise. This has not worked for them so far, and it will not work for them in the future. Even more important, it will not work to solve the problems of the American people.

In order to do the job the American people sent us here to do, we have to work together. As my Democrat colleagues have pointed out many times in the past, we are not the House. We must continue to look at all issues that are vital to the American people. We must compromise on those issues in good faith to do our very best, and we must put an end to the time we are wasting on such divisive, partisan issues, such as frivolous votes of no confidence against the current administration and payback to big labor for November favors.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that I be given enough time to make this speech, as long as I finish before 2 o'clock.

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

EMPLOYEE FREE CHOICE ACT

Mr. HATCH. Mr. President, I rise in fierce opposition to the horribly misnamed Employee Free Choice Act.

When I first came to the Senate, I thought the 1977-1978 labor law reform bill we turned back was bad public policy. The bill we are considering moving to the floor, H.R. 800, is far worse.

Where is the free choice for employees in this horribly misnamed Employee Free Choice Act? In all my years in the Senate, I have to say that the title of this bill is the most misleading of any I can recall. This bill doesn't give rights to employees; it takes away the rights of employees and replaces them with the rights of union bosses.

Back in 1977 and 1978, when we fought the labor law reform bill, there were 62 Democrats in the Senate and only 38 Republicans. But we were able to defeat that bill by one vote. Thank goodness we did because this would be a far different country today.

This bill would more aptly be named the Union Bosses Free Ride Act because it would allow union organizers to skip the efforts of having to convince employees to vote for union representation in secret ballot elections to gain certification as the exclusive bargaining representative. Then it would allow union negotiators to skip the efforts of bargaining for a first contract. Instead, unions need only make a pretense of collective bargaining for an initial union contract before turning to the Federal Government, which can for 2 years impose the wages, benefits, and

other terms and conditions of employment binding on employees, without employees' ratification or approval—binding on the employer as well, without the employer's ratification or approval.

Is this what my colleagues want to support—eliminating secret ballot elections and mandating Government certification of a union based on union-solicited authorization cards? Is this what my colleagues want to support—the Federal Government writing the binding contract terms for private sector wages, benefits, and other terms and conditions of employment? That is what this bill does.

Apparently, it is not what the American public want us to support. According to a January 2007 poll by McLaughlin and Associates, 79 percent of the public opposes this bill, including 80 percent of union households, 80 percent of Republicans, and 78 percent of Democrats.

When asked: "Would you be more or less likely to vote for a Member of Congress who supported this bill?" the response was 70 percent less likely.

Recent polls also suggest that 87 percent of voters, almost 9 out of 10, agree that every worker should continue to have the right to a federally supervised, private-ballot election when deciding whether to organize a union. The same survey found that 79 percent, that is 4 out of 5 voters, oppose efforts to replace the current private-ballot system with one that would simply require a majority of workers to sign a card to authorize organizing a union. There was virtually no variation in reply among Republicans, Democrats, or Independents in this survey; this sentiment rings true across the board.

Likewise, in a 2004 Zogby International survey of union workers, it was found that the majority of union members agree that the fairest way to decide on a union is for the government to hold a private-ballot election and keep the workers' decisions private. In the same survey, 71 percent of union members agreed that the current private-ballot process is fair. The survey also found that 84 percent of union workers stated that workers should have the right to vote on whether or not they wish to belong to a union.

It is hard to believe that we are seriously considering a bill to deny workers a secret ballot vote so soon after the national elections, and our own elections, given our Nation's history in promoting secret ballot elections for the disenfranchised members of society through the suffragette and civil rights movements. This is especially true since we are fighting for the opportunity of individuals around the world to have the democratic right to a secret ballot election.

Apparently, even congressional cosponsors of the bill acknowledge that it would be bad policy to take away secret ballot union representation elections, at least for workers in Mexico. In a 2001 letter to Mexican Government