It makes no sense at all. The Strategic Petroleum Reserve, which is where we store underground that amount of oil we want to use in an emergency is 97 percent full. So the Strategic Petroleum Reserve is 97 percent filled at a time when oil is at a record high. This administration is taking sweet light crude oil, which is a subset of all oil, and a highly valuable subset of oil, and putting 60,000 barrels of oil a day underground.

They have announced beginning in August of this year, they hope to get contracts to do just that. We know that in addition to that, they want to increase that, almost double that, to be around 120,000 barrels a day underground for the second half of the year. They are going to use their royalty-in-kind authorities and likely some of the $585 million they had received when they sold reserves because of supply disruptions caused by Hurricane Katrina.

So here is where we are: We have oil prices that are akin to a Roman candle, going right through the roof, and instead of doing things that would put downward pressure on oil and gas prices, the administration is taking oil through royalty-in-kind transfers, oil payments off the Gulf of Mexico wells, and sticking it underground in the Reserve and taking it out off supply.

I mean, that absolutely makes no sense at all. I followed a car once down a road in North Dakota, an old beat-up car with a back bumper hanging by one hinge. He had a bumper sticker, and the bumper sticker said, ''We fought the gas war and gas won.''

I thought, that is not so unusual. I mean, the other side always wins. But at least this administration, this Congress, ought to insist that we not put oil underground and stick it in the Reserve, when it is 97 percent full. We have to pay $110 a barrel for it and you take oil out of supply, which puts upward pressure on gas prices.

I do not understand who is advising them, but whoever is, I hope perhaps they can find someone with a little deeper reservoir of good judgment att the moment to suspend putting oil underground in the Reserve.

I have a piece of legislation I have introduced that does the following: It would suspend immediately the putting of oil underground in the Reserve for the remainder of 2008 unless oil comes back below $75 a barrel. But as long as it is over $75 a barrel, and the SPR is 97 percent full, let's at least stand up on the side of the average family out there that is trying to figure out how they can get a bank loan to fill their gas tank.

Let's see downward pressure on gas prices rather than allowing this administration to announce on Friday they want to continue to put upward pressure on gas prices by seeking to enter into contracts to continue filling the Strategic Petroleum Reserve.

Now, the Secretary of Energy says: Well this does not matter much. This is a small amount. It is 60,000 barrels a day. What he does not understand, I think, is it is a subset, this is sweet light crude, the most valuable subset of oil we have.

We had testimony before the Senate Energy Committee that clearly indicates this is putting upward pressure on gas prices. We do not know how much. One expert who came before the Energy Committee said 10 percent. But why should we sit idly by and have the administration have a policy of taking oil off the market and putting it underground, especially the sweet light crude?

This is not a debate about whether it is increasing gas prices, it is. The debate is simply: How much does it increase gas prices, and why should we have anyone in this town busy doing things that increase gas prices? How about standing up for the driver? How about standing up for ordinary families for a change?

So I wished to say I noted the press release put out by the Energy Department as a matter of policy. They are wrong, dead wrong. One way or another we are going to deal with it. I chair the subcommittee that funds the Department of Energy. I will have a chance to write the Chairman's mark. That will be a couple months from now. But I definitely intend to deal with that in the Chairman's mark. But I hope before then we can stop 60,000 barrels or more of oil a day from going underground because that is a policy that, in my judgment, flies in the face of good sense.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, is the parliamentary procedure that we are on the Mortgage Foreclosure Protection Act?

The PRESIDING OFFICER. At the present time, we are still in morning business.

Mr. NELSON of Florida. Mr. President, I will speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, I do wish to say a word about the Mortgage Protection Act, the protection against foreclosure on mortgages. Last Thursday, I had offered an amendment that will be considered perhaps tomorrow and will be voted on and it is a commonsense amendment which says that in order to save somebody's home and not have their mortgage foreclosed on, if they have a pile of cash sitting over in their retirement account, the 401(k), that they would be able to go in and get $25,000 out of their 401(k) retirement plan to use in order for them to forestall a foreclosure upon their home and, therefore, stay in their home.

Now, that is plain common sense, to be able to do that, pull it out, without paying the 10-percent penalty under current law that you would have to pay in order to take money out of that retirement fund and set it aside. Why is it common sense? Because the symmetry of the current law is you can take money out of the retirement fund without paying the penalty in order to buy a home. If you can do that to purchase a home, why would you not want to give a homeowner the opportunity to keep their home from foreclosure by allowing them to go into the retirement fund or 401(k) fund?

It makes common sense, and I am hoping the Senate is going to favorably consider that when we vote on this amendment. It is offered by me and a host of other Senators who are cosponsors.

SEATING DEMOCRAT DELEGATES

Mr. NELSON of Florida. Mr. President, the reason I asked to speak as in morning business is because I wish to talk on another subject that is not the subject of the Mortgage Foreclosure Protection Act but is the continuing saga we have about seating the Democratic delegates to the national convention from the States of Florida and Michigan.

Over the weekend, in the State of Florida, the State party met. Having already elected the delegates under their rules from the various congressional districts, the only thing to complete the election of the Florida delegation was the remaining delegates who are selected at large of the whole State, proportionate to the amount of votes both Senators OBAMA and CLINTON got in the January 29 primary—a primary, by the way, that had a record turnout of 1.75 million, almost 2 million Florida Democrats who turned out and voted. As a result of that, in that proportion to which Senator CLINTON got 50 percent of the vote and Senator OBAMA got 33 percent of the vote, the rest of the delegation of the total of 211 delegates were selected.

So Florida's delegate selection process has gone through under the normal procedures set out by the rules and bylaws of the Florida Democratic Party. So the question now is, now that we have our delegates duly elected, are they going to be seated? Well, of course, you know the position of this Senator from Florida, who has been trying for 9 months now to work a compromise by which we can get the delegates seated. But the Democratic National Committee has completely rejected all the attempts.

Just think, if we had done this last August and September, when we were trying this and had this issue behind us in Florida, how much easier it would be

going forward not to face the nail-biting scenario and drama we see playing out in front of our eyes, since both the candidates, BARACK and HILLARY, are so close, not only in delegates but in national vote and so forth.

At the end of the day, I believe, as the Good Book says, come and let us reason together, that will prevail and the delegation from my State of Florida, as well as Michigan, will be seated. Because at some point, the party chieftains are going to understand that if you want to win the election in November, you can't ''dis'' the delegations from Florida and Michigan. Why? Conventional wisdom says that there are four big States. In order for a Democratic nominee to win, they must get three of those four. What are they? They are Michigan, Ohio to the east, and further to the east, Pennsylvania. What is the fourth? Florida. Well, lo and behold, of those critical States in winning a Presidential election in the electoral college, as a result of the November election, lo and behold, two of the four are Florida and Michigan. So the party chieftains need to start focusing on November and the treatment of Florida and Michigan.

Now, I can only speak for Florida—and I know Senators LEVIN and STABENOW can certainly speak for their State, and they have been trying as well—but it is time to get a formula by which we can seat the delegations.

We have tried everything since the Democratic National Committee last September said: No, the rules say we can take away half your delegates. But, no, we are going to take the full pound of flesh, and we are going to take away all your delegates, Florida. Then they left me no choice but I had to sue the chairman; my party, the Democratic National Committee, I had to sue them in Federal court. The Federal district judge in Florida did not agree with my constitutional arguments and dismissed the lawsuit. I disagreed with his reasoning because I think the constitutional protections of due process and equal protection of the laws do apply, but nevertheless I didn't have time to file an appeal because January 29 was fast upon us, so it is what it is.

Since then, I have been trying several different things, along with members of the Democratic congressional delegation of Florida. This is one of the most recent I have suggested, and other members of the delegation have as well. Since the Democratic National Committee's rules say that if a State moves earlier than February 5, that the DNC will take away half of that State's delegates to the national convention, let's try that as a means, in the spirit of compromise, of getting the Florida delegation seated. Of course, since all 211 are now elected, duly, in the processes of Florida, you can seat the whole delegation if such a compromise were struck by giving each of them half a vote. In the spirit of compromise, let's get that done.

Four weeks ago, on this floor, when we had that all-night session, the Presidential candidates were all here. Of course I took the opportunity to speak to Senator OBAMA and Senator CLINTON about such a compromise. In terms of raw politics, if the whole delegation were seated, Senator CLINTON would have an advantage of 38 votes, but if you seat the delegation with half of its vote, in the spirit of compromise, you cut that in half, and her advantage from Florida would be only 19 delegate votes.

I make my appeal again to the DNC. Nobody is happy with where we are. Every time anybody gets on the news programs talking about the Presidential contest, which is vigorous and close, everybody asks the question about what to do about Michigan and Florida. Everybody is starting to understand that it is time to get this decision done, a compromise to get the delegation seated, and to move on. The problem is, when you come to these kinds of decisions, one candidate sees that it advantages them and the other candidate sees that it disadvantages them, and it is very difficult to get an agreement. However, the question has to be injected: At the end of the day, what is most important? I submit that at the end of the day, it is clearly in the interests of the Democratic nominee to be able to win the votes, on November 4, from the State of Florida and from the State of Michigan. You say: Does that mean those States wouldn't vote for the Democratic nominee? I can only tell you what the data say. The data—surveys in Florida—say 22 percent of independents in Florida would be less likely to vote for the Democratic nominee because of all this fracas.

In truth, once we get a nominee, the electorate is going to be focused on the November election and choosing the leader of the free world and a leader who can straighten out the mess we find ourselves in and the huge challenges facing this country.

Let me give an example. I was stunned over the weekend to find this result to this question in a major national survey: Is this country going in the right direction or is it going in the wrong direction? I was stunned to see the results, that 81 percent of the American people were saying the country was going in the wrong direction. That is a phenomenal response that begs for leadership in whom we select as the next President of the United States. I do believe we will see down the road, once we have our nominee, that people get focused on that instead of the fracas we now have enveloping Florida and Michigan.

My final comment, since we have been joined by the esteemed senior Senator from California, the chairman of the Rules Committee: If ever there is an opportunity for reform, it is now. If ever there is a reminder to us that this chaos begs for order to emerge out of the chaos, if ever there is an example of Americans being dissatisfied with a nominating process, it is now. If you leave it alone and let it take its natural course, what is going to happen is States, in the next election, 4 years down the road, are going to be jumping each other. Suddenly, your first caucus or primary is going to be on Halloween, and as a result you will have an even more chaotic situation. So this begs for a rational plan.

Senator LEVIN and I have offered such a rational plan. It is one idea. There are many. Ours would have six primaries, interregional. They would start in March and go through June, and the order of the States collected together interregionally around the country, big States and small States together, would be done by lot, by drawing a number out of a hat, 1 to 6, whether they go first in March or are last, No. 6, in June. Then 4 years later they would rotate, and the 2's would go to 1's and the 1's would go to the end for the June primary.

That bill has been referred to the Rules Committee. It is an idea. Obviously, in the tumult and the hurly-burly of a Presidential campaign, we are not going to move on legislation such as this. But down the road, in the next Congress, after this election, the chaos begs for order, a rational plan of selecting our Presidential nominees.

I have offered a number of other suggestions as well. Make elections easier. Why do we have to vote just on 1 day—a Tuesday—when people often find it very difficult to get off of work or to go to work late or to get home early in order to vote? Why don't we make elections easier for people? Why don't we give them a 2-week period prior to the election that they could go to designated places in their county to vote early? Why don't we make it a lot easier for people to vote, if they want to vote by mail, which is—we traditionally call it an absentee ballot. Let's enable them to call up the supervisor of the elections office and get an absentee ballot without them having to swear they are not going to be in their community on the day of the election or without them having to swear they are sick and cannot get to the poll. Why don't we make it easy? Why don't we give grants for people back in their communities and counties and States to do pilot projects, to study whether we could, in fact, do what Oregon does, which is to vote by mail, where they get 90 percent participation? Why don't we give grants to do a pilot study as to whether the integrity of the voting process could be retained by voting by the Internet in certain circumstances, such as military overseas ballots? Why don't we do all of this in election reform?

Indeed, this Senator would propose the ultimate reach: Why don't we amend the U.S. Constitution and abolish the Electoral College where, in fact, the popular vote for President will determine who is going to be President instead of this arcane, archaic institution called the Electoral College which

has caused, several times in our history, a Presidential candidate to get the most votes but the other candidate is the one who wins because of the Electoral College votes?

What I am saying is we ought to put all these ideas on the table. We ought to make voting easier. We certainly ought to reform the Presidential nominating process. And we ought to consider letting the majority rule in this country.

We have had a reminder in the chaos of this year. Americans are dissatisfied with this process. We need to make it better.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to commend the distinguished Senator from Florida. I have watched him over these months, and no one has tried harder than he to move toward a solution with respect to the Florida situation. He has told me on several occasions that never before have as many people voted in an election as did in Florida. I think the Senator mentioned some 2 million people voting in some primary election. It is inconceivable to you, and therefore to us, I believe, to have a convention where Florida is not represented. Of course, the same comments would go for the great State of Michigan.

I just want the Senator to know that I am very appreciative of the efforts he has made to try to settle the situation. I only wish they could have been successful. I do not believe the door is closed. I think the more the people of this country understand how important Florida and Michigan are to the democratic process, there will be strong support to reach some accommodation.

I thank the Senator for all he has done.

(The remarks of Mrs. FEINSTEIN pertaining to the submission of S. Res. 504 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

Mr. DORGAN. Are we currently in morning business?

The PRESIDING OFFICER. We are.

COLOMBIAN FREE TRADE AGREEMENT

Mr. DORGAN. Madam President, today President Bush announced he was sending the Colombian Free Trade Agreement to the Congress. He expects and demands that we take it up and pass it. I regret he has taken that action because he proposes that we continue failed trade practices of the past. That makes precious little sense for this country's interests. I am in favor of trade and plenty of it. Trade advances our interests provided it is fair and mutually beneficial between our country and those with which we have agreements. But I want to cite the record of President Bush in the last 7 years because when I say our trade policy is a failure, let me describe it this way.

When President Bush took office in 2001, our trade deficit was $429 billion. That is way too high. But 7 years later, our trade deficit is $815 billion. When the President took office, our trade deficit was $429 billion. Now it is almost double, $815 billion. In 7 years, this President's trade policies have doubled the trade deficit. We are not only collecting a massive amount of debt around the necks of the American people, they are encouraging the shipping of U.S. jobs overseas.

Now the President says: I have a new policy. Let's do more of the same. If you have trade policies that double the trade debt in this country, and you say let's do more of the same, there is something wrong with that.

Last month we lost 80,000 jobs in this country. Just last week it was announced, last month we lost 80,000 jobs. And what do we get this week from the President? Another proposal of a free-trade agreement.

Let me describe. We have had plenty of practice with these trade agreements. Some long while ago, we had a proposal: We have to have a free-trade agreement with Mexico. At the time we had a $1.5 billion trade surplus with Mexico. The first President Bush began negotiating a free-trade agreement with Mexico. He had a bunch of economists tell us how wonderful this would be; if we can just have a free-trade agreement with Mexico, it would be nirvana. So we did. I didn't vote for it. I led the opposition. But we went from a $1.5 billion trade surplus with Mexico to now a $74 billion trade deficit with Mexico. Think of that. We went from a $1.5 billion surplus to a $74 billion deficit. We are borrowing money from the Mexicans in trade. It is unbelievable. Talk about failed agreements.

This agreement with Colombia is modeled after NAFTA. It is the same. You have a failure. Let's do more of it, the President says. I don't understand that at all. It is a curious strategy to decide: OK, let's hold up a failure and let's suggest we should double it. I don't understand it.

I was watching CNN this afternoon. Wolf Blitzer, who is a terrific broadcaster—kind of breathless from time to time—was describing the President coming out in his announcement and essentially demanding that the Congress pass this free-trade agreement. Wolf Blitzer put up on the screen the description the President offered, saying: Most of Colombian-made goods come into this country with no tariff on them. Many of American goods go to Colombia with a tariff as high as 35 percent.

They put up on the screen this zero and 35 with two arrows, Colombia, United States. I am thinking to myself, it is curious that the President uses this to say we have to have this trade agreement with Colombia, as if we have no leverage with Colombia. We are sending a lot of money to Colombia, and have for a long while, to help President Uribe fight the insurgents, the FARC, the insurgent organization. We are sending American tax dollars down there in substantial quantity. We don't need to do a bad trade agreement with a failed NAFTA strategy with Colombia to get them to reduce their tariffs, if they have tariffs on American goods going to Colombia. All we have to do is say: Look, we are sending a lot of money down here to help you. Get rid of your tariffs. If we don't have tariffs on your goods coming north, don't you put tariffs on American goods going south.

We don't have to pass a bad trade agreement to get that result. We just have to say to President Uribe: We have been bankrolling a fair amount of the effort that you are making, and we are doing it because we want to help you. But in the process of wanting to help you with American tax dollars, we expect you to remove the tariffs.

I have met with President Uribe. I have been in his office in Colombia. I have a lot of respect for him. It is a tough job down there. They have real problems. Some say: This discussion about labor issues and trade agreements is not so relevant. It is pretty relevant in a country where one labor leader is killed every week on average this year. It is pretty relevant when 97 percent of the killings of Colombia labor leaders going back to 2001 have been unpunished—97 percent. It is pretty relevant, it seems to me. I accept that President Uribe has a lot of issues, a lot of problems. We as a country have tried to help him. But it seems to me it doesn't help anybody for this country and for President Bush to try to push through a bad trade agreement.

While I have respect for President Uribe of Colombia, I don't have great happiness about President Uribe being involved in America's political system. He decides apparently that he believes he should comment on our Presidential race. He says, of one of our Presidential candidates, ''I think it is for political calculations that he is making a statement,'' referring to a statement that one of the political candidates for President said that he didn't support this trade agreement with Colombia. So the President of Colombia says:

> I think it is for political calculations that he is making a statement.

I don't think we need the President of Colombia describing motives of our Presidential candidates. There is a perfectly reasonable approach to support or perhaps oppose the Colombian Free Trade Agreement. The reasonable approach is to say we like failure. We want to do more of the same. So give us what you gave us in NAFTA and run a small trade surplus up to a huge deficit.

But there is also a perfectly logical reason for a Presidential candidate or a Member of Congress who may wish to