

hunger, stop the dying. In fact, it is time to be a leader.

So I will continue to work for food funding assistance at a level that does not turn a blind eye to the suffering in the world, nor the danger to the world community. So I ask other Senators to join me in stating support to fight this perfect storm of world hunger and to support action to do something about it.

Mrs. BOXER. Mr. President, tomorrow we will have a vote to proceed—

The PRESIDING OFFICER. The Senator has an order to recess.

Mrs. BOXER. I ask unanimous consent to speak for up to 6 minutes as in morning business.

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

Mrs. BOXER. Mr. President, I thank you all for indulging me.

#### FAIR PAY ACT

Tomorrow we will have a vote to proceed to the Lilly Ledbetter Fair Pay Restoration Act. Four of my Democratic female colleagues spoke on this earlier today—four or five. I wanted to add my voice to their voices because, as I stand on the floor of the Senate some 45 years after passage of the Equal Pay Act, it is unfortunate that workers throughout the Nation will suffer pay discrimination based on gender, race, religion, national origin, disability, and age. They still suffer this.

We still have a long way to go on equal pay for equal work. It stuns some people to learn that women still earn 23 percent less than men, and the pay disparity is still so great that it takes a woman 16 months to earn what a man earns in 12 months.

In 2006, an average college-educated woman working full time earned \$15,000 less than a college-educated male. According to the American Association of University Women, working families lose \$200 billion in income per year due to the wage gap.

This is an important point because so many women now work. We know this. So families are struggling to make ends meet with higher gas prices, higher college tuition, higher food prices, higher health care, all of that. We know there is not an easy solution that will eliminate all pay discrimination, but the bill we hope to go to tomorrow, the Equal Pay Restoration Act, will ensure that when an employer discriminates based on gender or race or any other factor, the employee can take his or her case to court.

There was a very bad decision that was made by the Supreme Court which reversed decades of legal precedent, and this was the Ledbetter decision. With its decision, the Court imposed a serious obstacle for equality, equal pay, by requiring workers to file a pay discrimination claim within 180 days of when their employer first starts discriminating.

Now, that is an impossible standard to meet. You really do not know when that moment occurs. What was important about this decision is it threw out

the law that had always worked well and would have protected people such as Lilly Ledbetter from discrimination.

Her story is not unfamiliar to many female employees. She was a female, she was a manager at an Alabama Goodyear Tire plant when she discovered, after 19 years of service, that she was earning 20 to 40 percent less than her male counterparts for doing the exact same job.

It took her a long time to ferret this information out. As Justice Ginsburg noted in her dissenting opinion, the pay discrepancy between Ledbetter and her 15 male counterparts was stark. In 1997, her last year of employment at Goodyear, after 19 years of service she earned \$5,600 less than her lowest paid male coworkers, and she earned over \$18,000 less than her highest paid male coworkers.

Evidence submitted at her trial showed that Mrs. Ledbetter was denied raises, despite receiving performance awards, and in some cases female supervisors at the plant were paid less than the male employees they supervised.

So when Ms. Ledbetter discovered this, she took Goodyear to court, and the jury awarded her full damages. But the company, Goodyear, appealed the jury's decision.

In 2007 the Supreme Court made this very bad decision and said she could not sue for back pay despite—and with which they agreed—the overwhelming evidence that her employer had intentionally discriminated against her because of her gender.

But, they said, it took Lilly Ledbetter longer than 6 months to determine she had been a victim of years of pay discrimination. So, in other words, because it took her more than 6 months to figure this out, she was denied any kind of help.

It does take a significant amount of time in many cases for the truth to be known. Here in the Capitol, if you work for the Government, everybody's pay is on record. And you can see it; it is a public document. But in a private sector plant there may be no way to find out.

As Justice Ginsburg pointed out: Compensation disparities are often hidden from sight for a number of reasons. Many employers do not publish their employees' salaries, and other employees are not anxious to discuss what they earn. So this controversial decision is having serious impacts.

In the 10 months since the decision was handed down, the Ledbetter precedent has been cited 207 times by Federal district courts and courts of appeal. So it means, it seems to me from what I gather, from that statistic alone, many people are being denied equal treatment under the law: equal pay, equal treatment.

So what does the bill do that we want to go to, we Democrats on Wednesday, tomorrow? It simply restores the law to what it was in almost every State in the country before the Ledbetter case

was decided. It does so by helping to eliminate the unreasonable barrier created by the Supreme Court and allows workers to file a pay discrimination claim within 180 days of each discriminatory paycheck. That was the law before Ledbetter.

The Ledbetter decision was a giant step backward in the fight for equal opportunity and equal rights. Goodyear engaged in chronic discrimination against female employees, but because of the Ledbetter decision, the Court must treat intentional ongoing pay discrimination as lawful conduct.

Employers who can conceal their pay discrimination for 180 days can continue this practice, and there is no redress. We must ask ourselves: Is this the standard that Congress should be proud of? Is this the kind of standard that we should support, where somebody is treated in an unfair fashion, is paid less than somebody else simply because of their gender?

It is not right. It seems to me, if we are going to have fairness and justice in America today, the least we can do is overturn the Ledbetter decision. Justice Ginsburg told us: "Congress, the ball is in your court."

That is why I am so pleased that Senator REID is bringing this opportunity before us tomorrow. Today, as we reflect upon the importance of fairness and equity to our society with a celebration of Equal Pay Day, we must restore this important protection and return the law to its meaning. I hope tomorrow when we get a chance to move to this bill our colleagues will all vote aye because what is fair is fair and what is wrong is wrong. We need to fix this problem. Equal pay for equal work is a value that we should hold dear.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

#### VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Continued

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

#### DIVER HEROES OF THE CHICAGO FIRE DEPARTMENT

Mr. DURBIN. Mr. President, I ask a few minutes of the Senate's time to

tell you about four men and a little boy.

Last Friday, Stanko Bojanovic decided to take advantage of a warm, breezy spring afternoon to enjoy a walk with his 2-year-old grandson along Lake Michigan near Belmont Harbor in downtown Chicago.

Mr. Bojanovic was sitting on a park bench at Belmont Harbor with his grandson nearby strapped in a stroller at his side, when a strong gust of wind blew up. Witnesses said the wind sent soda cans sailing by. That wind also pushed the stroller into the harbor with the little boy still strapped in.

Mr. Bojanovic, the grandfather, immediately jumped into the harbor. Passersby saw him bobbing in the water, clinging to the side of the breakwall, and pleaded with him to try to swim to a nearby rescue ladder but the grandfather refused. In broken English, he kept yelling, "Boy! Boy!"

Those standing nearby grabbed their cell phones and called 9-1-1.

At the moment the call came in, a helicopter carrying Chicago Fire Department divers Brian Otto and Bill Davis was lifting off from nearby Midway Airport, where they had stopped for fuel. The men were already in scuba gear for a drill. Four minutes later, their helicopter landed at the harbor.

At almost the same moment, another crew of a dozen Chicago Fire Department rescue divers were finishing an underwater training exercise at a pool not far from the harbor. They changed into scuba gear and arrived at the harbor just seconds after the helicopter.

Divers Brian Otto, Bill Davis, Cedric Collins, and Bob Skwarek dove into the water near where the grandfather had pointed. There was zero visibility in the murky water so they searched in a grid pattern, feeling their way along the harbor's rocks.

Diver Cedric Collins told a Chicago Sun Times reporter that he prayed, "Let me find him."

Less than 3 minutes after the firefighters arrived, diver Brian Otto spotted the little boy's hair waving in the water.

As he tried to lift the toddler, Otto realized that the boy was still strapped into his stroller. He was going to have to lift the little boy and his stroller 10 feet to the water's surface.

Otto, who has a little 4-year-old son of his own, told the Sun Times: "You see this kid underwater, and you're a firefighter, you're a rescue diver, but you're also a father. I held nothing back." He told himself: "No matter what, we're going to get to the surface. And we're doing it now." He lifted the little boy, stroller and all, to paramedics waiting on the pier.

Three minutes passed between the time the firefighters arrived and the time they pulled the little boy, Lazar Ognjenovich from the water. His body was pale blue and icy cold. It is estimated that he was under water for 15 minutes.

Today, little Lazar Ognjenovich remains in critical condition at Children's Hospital in Chicago.

Medical researchers not involved in the case say there is reason to hope. They note that toddlers are sometimes able to survive long periods underwater better than adults and point to a Utah girl who was submerged in water for 66 minutes in 1986. Two years later, when an article about her appeared in a medical journal, she had made a full recovery.

Lazar's grandmother said Sunday that the little boy is showing signs of improvement. She notes that last Saturday—the day after his rescue—was "Lazarus Saturday," a special holiday for Serbian children. She told a Sun Times reporter that she believes God was watching over her grandson.

As for the brave men who rescued the little boy—Brian Otto, Bill Davis, Cedric Collins and Bob Skwarek, members of the Chicago Fire Department's Air Sea Rescue Unit and Scuba Team 687—they were all back at work the next day.

In a story in this morning's Sun Times, Bob Skwarek said that rescue divers train for moments like the one they experienced last Friday. Still, he said, "You really do feel 10 feet tall" after a rescue.

Bill Davis and Cedric Collins have both been with the Chicago Fire Department for 9 years and with the scuba team for about a year and a half. Brian Otto has been with the department for 18 years and a diver for 3½ years. And Bob Skwarek has been with the fire department for 28 years and a diver for about 2½ years.

They come from the neighborhoods of North and South Chicago: Mount Greenwood, Hegewisch, Roseland and Gage Park.

They have won praise from Chicago Fire Commissioner Ray Orozco and from people all over that great city who have read or heard about their heroism. They deserve every word of that praise.

In his great book *Working*, Studs Terkel, the legendary Chicago writer, and a great friend interviewed all kinds of everyday working people about their jobs.

Many of the jobs involved risk and backbreaking labor. Some of the people Studs spoke to disliked the work they did.

He also spoke to a firefighter, who said he liked his work very much because you can actually see what a firefighter produces. You see the results of firefighters' work and sacrifice in homes saved, families rescued. And sometimes you see the results of their heroism in little boys pulled miraculously from the waters of Lake Michigan.

On 9/11, we all received a poignant and painful reminder that the real heroes very often are not famous. Most are known only to their families and friends and the people with whom they work.

Many times since 9/11, we seem to have forgotten that basic truth.

Last Friday at Belmont Harbor, four firefighters from the great City of Chicago reminded us.

I ask that this Senate join me in saluting their courage and the courage of all the working men and women in this country who take risks and make sacrifices to rescue others, literally and figuratively. They are truly American heroes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### EQUAL PAY DAY

Mr. KENNEDY. Mr. President, I thank our majority leader and our leadership for scheduling a vote on what is known as the Ledbetter legislation tomorrow. We expect that we will have that vote tomorrow evening sometime. I think it is important that the membership understand that we will. It is appropriate today that we have a number of our colleagues speak about the importance of this legislation because today is Equal Pay Day. It has been designated Equal Pay Day. It has been Equal Pay Day for a number of years.

What do we mean by Equal Pay Day? We mean equal pay for equal work. That has been a goal of this country going back actually to 1963, when we passed the Equal Pay Act. At that time, the disparity between men and women for doing the same job was 60 cents to the dollar that the men were getting. We have seen that figure close over time, now to 77 cents, but still there is a disparity. As long as we have had a disparity, it has been and is wrong.

As a country, we have tried to remove forms of discrimination, bigotry, and prejudice that have existed in our society, and the bigotry and prejudice that exist in terms of pay has been there for some time. Since 1963, the Congress has taken action not only on pay for women but in terms of other groups as well. It has made progress in making sure that African Americans are not going to feel a disparity. We did that in 1964 with Title 7 of the Civil Rights Act under President Johnson. Look at the Senate vote, the ultimate vote, 73 to 27. Republicans and Democrats alike said—the Civil Rights Act was primarily focused on public accommodations provisions but also had another very important provision—we will not permit a disparity and discrimination on the basis of race, national origin, gender, or religion in terms of pay. African Americans and other workers were going to be able to get equal pay.

Then, we have the age discrimination. We said, under President Johnson, if individuals are going to be able to do the job, and they happen to be older but yet they have the competency and the skills and they are going to be able to do an equal job, we are going to make sure they are not going to be discriminated against. We have said women will not be discriminated against, minorities will not be discriminated against, and people will not be discriminated against by age.

In 1973, we said: Well, what about those who have some disability? We

said we are not going to discriminate against those people either. Maybe they have a mental or a physical disability, but if they are able to do the job, and they are qualified to do the job, they ought to get paid for doing the job. That is what we said. We saw that vote was a voice vote, under President Nixon, supported by the administration.

Then, we had later provisions: the Americans with Disabilities Act, which was enacted to provide greater kinds of protections for the disabled; additional civil rights protections; and others; the Civil Rights Restoration Act. So the sum total, since 1963, has been a constant drumbeat, a constant march, a constant statement by the Congress and by the administrations by, as we have seen, Democrats and Republicans alike, that said: When it comes to equal pay, it is going to be equal pay for women and for men, it is going to be equal pay for people with disabilities, older workers, African-American workers, Hispanic workers, and others. This chart shows the various groups that, under the EEOC'd laws, have found out they have been discriminated against.

This chart shows, as of a year ago, in 2007, the EEOC had received more than 7,000 pay discrimination claims. Here it is for disability cases—as I mentioned earlier, we passed the Americans with Disabilities Act—and for national origin cases—we have protections for that group, those people who come from different kinds of ethnic backgrounds—for age, race, and gender discrimination as well.

We see that with regard to race, there have been 2,300 claims; with regard to gender, there have been some 2,400 claims. There are the cases for those with disabilities and the national origin cases. These are cases that were brought because we passed laws over the period of 40 years that said: If you are going to work, and work hard, in the United States of America, and you are going to do effectively the same job as someone else, you should be paid the same. We have not solved all the problems of comparability in this legislation. That is another issue which is enormously important and one we should address, and I hope we will address, in this Congress because it is extremely important. All we are trying to do is deal with the pieces of legislation that I have mentioned and restore a remedy. We can have a right and, as all of us understand, a right is not worth very much if we do not have a remedy. That is what this legislation is all about: to give a remedy to victims of pay discrimination, like Lilly Ledbetter. The remedy is that when workers are given unfair pay for doing effectively comparable work, that they are entitled as a matter of right and a matter of law to fair compensation.

It is interesting, in the dissent in the Ledbetter case, the dissent asks for congressional action. We are giving congressional action. That is why I am

going to be interested in the arguments of those who are opposed to it. Here a Justice of the Supreme Court invites the Congress to take the action. We are taking the action. What we are effectively doing is restoring the law to what it was prior to the Supreme Court decision—nothing more than that.

I will review what exactly this law does here. What this legislation, the Ledbetter legislation, does, is it reverses the Supreme Court's unfair Ledbetter decision. It holds employers accountable for ongoing discrimination. As we pointed out, the Supreme Court held that Lilly Ledbetter should have known she was being discriminated against by her employer on pay, even though the employer controlled the books, controlled all the documents and was not sharing that information with the employees. Nonetheless, the Supreme Court said: Well, she should have found out in any event. If she did not, it is tough luck on her. Tough luck on you. Tough luck on you. Imagine, the Supreme Court of the United States, after all of the legislation and all of the congressional intent in the last 40 years, saying: Tough on you.

So the employer holds it in a safe, and Lilly Ledbetter cannot find it. Tough on her. Doesn't have a remedy. Too bad. Go ahead and continue to discriminate. In the United States of America, after what we have gone through in terms of civil rights—the battle to knock down the walls of discrimination over the period of these last 40 years? Tough on you.

Is that what we have come to? Is that what the Supreme Court is saying to a hard-working mother who has worked hard, tried to provide for her children, has demonstrated and won award after award for good performance? Tough on you. You could not find it in that sacred safe of the employer. Too bad. You lost your remedies. Too bad.

That is what this is all about. What we are doing is restoring congressional intent.

So what this legislation does not do: It does not encourage workers to delay the filing of claims. It does not eliminate the statute of limitations in the pay cases. It does not increase the litigation. We have the CBO's analysis. I have referred to it. It does not create new grounds for filing lawsuits. We answered all of these arguments. This is what it does not do. We have given the answers. They are not just my answers, they are the answers of the CBO's independent review.

What we are basically doing, and the reason why we are doing it, is to effectively restore the law to what it was previously. As this chart indicates: the lighter green being what the law was previously—that is what we are returning it to—the darker green being what the law was as interpreted by the EEOC, and the orange were the dissenting states. So this is going back to the previous rule.

This would be right to do at any time, but it is particularly important

now. The reason it is particularly important now is because of the kind of economic conditions we are facing in this country at this time, where families are being squeezed. Working families are being squeezed. The middle class is being squeezed. In that squeeze, no one is getting squeezed harder than the women in our society, particularly working women. Their participation pension and retirement plans is falling. Look at what has happened to women's participation in pensions over the last 6 or 7 years. It has dropped, I think, close to 10 percent. We are finding out that their rates of unemployment are increasing faster than the unemployment figures in terms of men. Their savings are down. Women's savings are down. So they have a greater difficulty in dealing with the economic reversals we are facing at the present time. They have more home foreclosures because their savings have been down. So they are under an incredible squeeze.

This chart is an example of how adult women are seeing a sharper rise in their unemployment rate. Their rate is going up 21 percent as compared to 15 percent for men. On earnings, women's earnings are falling faster than men's. So their earnings are going down faster. We are finding out that their unemployment is going up faster and their earnings are going down faster.

If you take what happens to different women within the general group, look at women's net worth. Unmarried women have \$13,000 less in net savings than unmarried men. Here it is, the difference, as shown on this chart. So in this time of recession and economic stress, these issues become much more acute. This is the right answer at any time, but it is particularly something that can be done now that can make a difference to these working women—something that can be done now: restore a right. That is what this is basically all about.

As I mentioned, this is targeted on women, but the application is across the board. It affects other groups in our society. It affects African Americans and Hispanics, and they have been hard hit by the economic downturn. If pay is discriminatory against African Americans and Hispanics—and we saw the pie chart, which shows it is, with thousands of claims every single year—they are going to be denied the remedy. This legislation applies to women. It applies to minorities. It applies to people discriminated against because of their religion. It applies to the disabled. It applies to older workers. Otherwise, they are going to get short-changed. They are facing the economic realities in a much harsher way now.

We have an opportunity to do something about it. The House of Representatives has done something about it. Tomorrow we can do something about it. Show me something, anything, any piece of legislation that can have a better, more positive impact in terms of the income of working women than this vote tomorrow. That is what it is about.

Finally, let me give you these figures to demonstrate what this meant to Lilly Ledbetter. This is a reflection of what was actually in the Court's decision. She was making \$44,000 a year. She received \$5,600 less than the lowest paid male coworker during her last year at Goodyear. The highest paid male coworker was getting \$62,000. She had the qualifications and was doing the job the same as her colleague who got \$62,000. The lowest paid male worker—whose skills were much less than Lilly Ledbetter's—was still getting paid more. You cannot get it any clearer than this chart about what the facts are. These are not facts I am making up. These are the facts accepted by the courts, not questioned by the Supreme Court. There it is.

The most powerful is listening to Lilly Ledbetter herself. She has testified. Anyone who is interested ought to read her testimony, and can read through the hearings in our committee about this. She explains it in great detail: how she first heard about it, and how she was treated, and what the Supreme Court decided. She has taken a double whammy because not only has she suffered, and will not recover her wages. We have a 2-year limitation on back pay—you can only recover in terms of the 2 years. Her retirement was based upon what she earned and so that has also been lost during this period of time. That was lost, will be lost, continues to be lost. Imagine that. Imagine the unfairness of that. We are not addressing that. We are not dealing with that. We should be, but we are not. That is basically and fundamentally wrong.

I mentioned earlier the CBO. The Congressional Budget Office agrees that the Fair Pay Restoration Act will not increase the litigation. The Fair Pay Restoration Act will not establish a new cause of action for claims in pay discrimination. CBO experts said the bill would not significantly affect the number of filings with the Equal Employment Opportunity Commission. What they are basically saying is, what this will do is it will have the law enforced and people will pay attention to it.

Many employers are, obviously, good employers, and are playing by the rules. But not all of them are. Those who are not playing by the rules should not be able to exploit people in the workplace on the basis of their gender, race, national origin, religion, disabilities or age.

Finally, we have seen—and I have shown this chart previously of the various groups that support this legislation. These are only some of the groups. I have included a more complete list in the RECORD. We have the groups representing the disabilities community, the American Association of People with Disabilities; elderly people, the AARP feels very strongly about the discrimination against the elderly; the NAACP, for the obvious reasons, not only because of discrimi-

nation on the basis of race, but all the forms of discrimination they continue to fight and oppose. We have the auto workers, who see prejudice and discrimination and who are fighting for full rights and equality. We have the National Congress of Black Women and the Religious Action Center, because of the moral issues raised by this. And we have the U.S. Women's Chamber of Commerce.

We will have an opportunity to address this and speak more about it. I cannot think of an issue where it is more an issue of fundamental fairness. Americans try to understand some of the complex issues about which we deal here. They are not always easy to understand and to catch and find their way through. Probably one of the great mysteries is the ERISA law, which was put in by our old friend Jacob Javits. An amusing aspect of that was when Jacob Javits passed on to his eternal reward, he took all the knowledge about ERISA with him. All of us find complexities in trying to deal with that. It has important implications in terms of health and the job market.

This is simple. Everyone gets it. The American people understand it, because it is about fairness. If there is one issue Americans understand, it is fairness. They believe that when somebody works, they ought to be adequately paid. Americans don't believe one person ought to be paid a different rate for doing the same job as another person. They don't believe that because their skin is a different color, or because of gender, or because of disability, or because of sexual orientation they should be paid less. They don't believe it. If the person is qualified to do the job, and does the job, they ought to get equal pay. This Senate has gone on record time and time and time and time again over the last 40 years, by overwhelming votes, against pay discrimination. We have our chance tomorrow to restate that commitment. I hope the vote will be overwhelmingly in favor.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maine is recognized.

**Ms. COLLINS.** Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### HIGH ENERGY PRICES

**Ms. COLLINS.** Mr. President, our Nation faces record high energy prices, affecting almost every aspect of daily life. The price of gasoline, home heating oil, and diesel is creating tremendous hardships for American families, for truckdrivers, and for small businesses. High energy prices are a major cause of the current economic downturn.

It is clear we need a dramatic change in our energy policy to protect ourselves from rapid increases in oil prices, without sacrificing our environment for future generations. We must

rally around a national effort to achieve energy independence for our economic, environmental, and national security.

I have recommended that we establish a national goal of energy independence by the year 2020. I don't know if we can get all the way to energy independence by that year, but I do know if we do not establish a goal, if we do not strive to achieve energy independence by a date certain, we will never get there. I believe that had our country embraced this goal in the 1970s, when we were reacting to the embargo, we would be nearly at energy independence right now.

I am proposing today a 10-point plan to get us started on this important effort. It is a plan that includes both actions that we can take in the short run to help mitigate the impact of high prices, as well as actions to achieve energy independence in the long term.

Many causes appear to be responsible for the skyrocketing increase in oil prices: the timing of Government purchases for the Strategic Petroleum Reserve; speculative trading on futures markets; increased global demand for crude oil; instability in the Middle East, Mexico, and Venezuela; supply decisions of the OPEC cartel; insufficient U.S. refining capacity; and the declining value of the dollar.

We will always use oil for part of our energy needs, but we need to decrease our reliance on foreign oil and be smarter about managing our supplies. It is appropriate that Senator LEVIN is in the chair as I discuss the first step that I believe we should take right now to help curb the increase in oil prices.

The administration's decision to fill the Strategic Petroleum Reserve when oil prices are at all-time highs defies common sense. As the Presiding Officer is well aware, the Strategic Petroleum Reserve is an emergency stockpile of oil that already contains some 700 million barrels. In 2005, the Presiding Officer, Senator CARL LEVIN of Michigan, and I joined forces on a bipartisan amendment that directed the Department of Energy to better manage the Strategic Petroleum Reserve by requiring the Department to avoid purchases when prices are high.

There are two reasons why that should be done. First, the Federal Government should not be removing oil from the marketplace at a time when there is a lot of pressure on supplies, as there is right now.

Second, it makes absolutely no sense for the Department of Energy to be buying oil at the height of the market. That is a bad deal for us as taxpayers. Unfortunately, I don't believe the Department of Energy is abiding by the Levin-Collins law. We questioned the Department at a recent hearing before the Permanent Subcommittee on Investigations, and there was no indication that the kind of analysis the law requires is being done. So I have called upon the President to stop filling the reserve until prices drop. It simply

does not make sense for the administration to be making purchases right now.

The Energy Information Administration has estimated that the impact on gas prices of these purchases for the Strategic Petroleum Reserve is between 4 and 5 cents a gallon. Other experts believe it is considerably higher than that. At the hearing I mentioned, one energy expert said:

DOE's actions added between 5 and 20 percent to the price of oil.

The Department of Energy should stop purchasing oil for the Strategic Petroleum Reserve, and it should stop immediately. There is simply no compelling homeland security or national security reason for these purchases to be made now.

No. 2, we need to extend Federal regulation to the oil futures markets. Excessive speculation on futures markets is likely another factor pushing up oil prices. Unfortunately, there is a lack of publicly available data to track the effect of speculation on prices, and manipulation can go undetected on certain electronic markets that are unregulated. Experts testifying before our Investigations Subcommittee all agreed that greater transparency and better reporting of trades could help prevent abuses such as were documented in the natural gas markets in 2006. One of the experts testified that he believed the current high oil prices are inflated by as much as 100 percent—driven by excessive speculation. Other experts think it is not that high. But shouldn't we know and the Commodity Futures Trading Commission, which oversees the trading of agricultural commodities on the futures markets and also oversees the regulation of the energy futures markets as well? That would not prevent these markets from performing their important risk-hedging functions, but it would allow regulators to spot and act quickly upon evidence of deliberate attempts to distort prices and excessive speculation.

No. 3, we should curtail the tax breaks for major oil industry companies and, instead, redirect those funds to consumers and to alternative energy.

With net profits of a single oil company reaching almost \$10 billion in a single quarter, we simply should not expect taxpayers who are struggling to pay their energy bills to continue to subsidize the oil industry. Congress should act to repeal the needless tax breaks for big oil companies and instead use those billions of dollars to fund the remaining proposals that will move us toward energy independence.

During consideration of this year's budget resolution, the Senator from Michigan and I joined forces again to provide for the rescission of needless tax breaks for major oil companies. Our proposal would redirect the revenue to support renewable energy and energy efficiency initiatives. Our amendment was accepted as part of the Senate budget resolution. We need to

build on that momentum and quickly take up legislation to enact this proposal once and for all.

The fourth step we can take in the short-term: One program with an immediate impact is the Low-Income Home Energy Assistance Program, better known as the LIHEAP program. It is the Federal grant program that provides vital funding to help our low-income and elderly citizens meet their home energy needs. Nationwide, over the last 4 years, the number of households receiving assistance under this program increased by 26 percent, but during that period, Federal funding increased by only 10 percent. So the obvious result is that, at a time of record high prices, the average benefit under the LIHEAP program actually dropped.

We need to fully fund this program. I tell my colleagues that while it is a glorious spring here in Washington, Maine and many other States are still struggling with temperatures that drop into the thirties at night. We need to fully fund the LIHEAP program at the authorized level of \$5.1 billion. And for the long term, we should also restructure this program to make it more flexible so that States can take a reasonable approach to low-income energy issues and better balance energy bill assistance so we can provide some grants to winterize the homes of those who qualify for low-income heating assistance.

No. 5—and now I am getting into the long-term aspects of this plan—we need to improve energy efficiency.

Let me discuss the six steps toward the goal of energy independence. First is to make more efficient use of the energy to heat and power our homes, our offices, and our buildings.

I have introduced a comprehensive energy bill that would double funding for the Department of Energy's weatherization program. On average, weatherizing a home reduces heating bills by 31 percent, and overall energy bills by \$358 per year.

The legislation would also provide predictable funding for the valuable Energy Star Program, which helps consumers buy energy-efficient appliances. It would extend the renewable energy tax credit through 2011 and the residential investment tax credit for solar and energy-efficient buildings through 2012.

It also includes an energy efficiency performance standard for utilities that would help them improve their efficiency. According to the Alliance to Save Energy, an energy efficient performance standard for utilities could save consumers \$64 billion and avoid the need to build 400 powerplants, preventing 320 million metric tons of carbon dioxide emissions. Making buildings, appliances, and utilities more energy efficient would dramatically reduce our use of oil and save money for consumers at the same time.

No. 6, we need to implement a renewable electricity standard. Another component in my 10-point energy plan would revamp the way we produce elec-

tricity in this country. We need a national renewable electricity standard that would require the utilities to generate at least 15 percent of their electricity from environmentally sound, renewable energy sources by the year 2020. This would move us away from a reliance on coal and natural gas for electricity and diversify our energy supply to provide more price stability. (Mr. SANDERS assumed the Chair.)

Ms. COLLINS. There are 28 States, including Maine, that already have a renewable electricity standard. We should follow their lead and establish a national renewable electricity standard.

I do wish to say, in enacting a standard, we need to make sure the benefits of renewable electricity reach rural areas, and that means building adequate transmission capabilities.

I know the new Presiding Officer, the Senator from Vermont, is also very committed to this goal.

No. 7, we should invest in cellulosic ethanol and renewable fuels. I want to distinguish between cellulosic ethanol versus corn-based ethanol. We have oversubsidized corn-based ethanol. It is causing tremendous distortions. It is causing shortages in food supplies. It is driving up the cost.

I have talked with a baker in Lewiston, ME, who cannot buy rye flour anymore because it has been displaced by farmers switching to grow corn. That is not what I am talking about. I am talking about the very promising development of cellulosic ethanol which could be made, for example, from switchgrass and from wood chips, waste wood, for example. That is why I am proposing to expand tax credits for cellulosic biomass. At the same time, those fuels have a much smaller life cycle environmental footprint than does corn-based ethanol and traditional fuels.

We can do so much in this area. I am proud researchers at the University of Maine have been at the forefront of developing commercially viable technologies to produce ethanol from cellulosic sources.

In addition to cellulosic ethanol, my 10-point energy plan calls for the expansion of other sources of clean renewable energy. During the height of the oil crisis in the 1970s, many Maine families turned to wood as an affordable way to heat their homes. With oil prices soaring, wood is once again the fuel of choice for an increasing number of consumers.

Unfortunately, many of the wood stoves that were purchased three decades ago are outdated, they are inefficient, they waste fuel, and they contribute to air pollution. The good news is the new style wood stoves emit 70 percent fewer emissions, and they produce as much energy with 30 percent less wood. This is a real breakthrough that allows consumers to get more energy out of their wood stoves and also to reduce the air pollution from wood stoves. In fact, I saw a demonstration where you could not see any

emissions at all coming from these new clean-burning wood stoves because there is a second burn of the emissions so they are far more efficient.

Unfortunately, making that change from an old dirty, inefficient wood stove to a modern, clean, and safer wood stove or a wood pellet stove is expensive. That is especially difficult for many families today. That is why I have introduced legislation to provide a tax credit so consumers can afford to trade in to these better wood stoves, and I am delighted the authors of the housing bill we recently passed agreed to include, at my behest and at the urging of others, a \$300 tax credit for consumers who purchase these new clean-burning wood or pellet stoves.

Wood is a renewable resource and its increased use for home heating is inevitable in these times of high oil prices. We now have the technology that makes their use better for the environment and for human health, as well as safer and more affordable.

No. 8, we need to promote tidal, geothermal, solar, and wind energy. Other clean renewable energy sources include the tide in our oceans and the moderate temperatures that can be tapped under our land.

The U.S. wave and tidal energy resource potential that could reasonably be harnessed is about 10 percent of national energy demands. We have to put all these sources together and look at the broader comprehensive picture.

Once again, I am very proud that a consortium of the University of Maine, the Maine Maritime Academy, and industry is poised to become a key test bed for improved tidal energy devices.

It still is more costly than traditional electricity production, and that is why we need to provide some tax incentives to spur this kind of alternative development in tidal, geothermal, solar, and wood energy.

No. 9, we need to improve vehicle efficiency and alternatives to gasoline. We must provide more efficient transportation options. Last year, we took a giant step forward because Congress enacted, and the President signed into law, a long overdue increase in fuel economy standards for automobiles, SUVs, and light trucks that will save a million barrels of oil a day. That is a great start, but we can do even more.

The amount of gasoline used in transportation amounts to 9.2 million barrels of oil a day. That is almost half our national consumption of 20 million barrels of oil each day. Currently, we import about 12 million barrels of oil a day. So if we reduce the consumption of oil products for transportation purposes, it goes a long way toward reducing our reliance on foreign oil and decreasing overall energy prices, or at least stabilizing them for consumers.

Flex-fuel vehicles and plug-in hybrid vehicles can help us meet the challenge of energy independence and lower prices. We should extend the existing tax credits for alternative fuel vehicles and consider providing a tax credit for

consumers who modify their existing vehicles to be flex-fuel capable.

We need to put more money into research, into plug-in hybrid vehicles, and expand the tax credits in that area as well.

Plug-in hybrids hold great promise. If all the new vehicles that are added to the American fleet for the next 10 years were plug-in hybrids, an additional 80 billion gallons of gasoline could be saved each year. That translates into almost 2 billion barrels of oil. It is significant. It cannot happen overnight, but let's put in place the policy that will help us get there.

We also must do more to help existing vehicles be more energy efficient. The Energy bill I have introduced would direct the Department of Transportation to create a national tire fuel efficiency program that would include tire testing and labeling, energy-efficient tire promotions through incentives and information, and the creation of minimum fuel economy standards for tires. That makes a difference as well.

Heavy-duty vehicles also deserve our attention. They move our economy. The Energy bill I have introduced would help keep them on the move while helping to reduce both fuel consumption and emissions. It would require the Department of Transportation to develop a testing and assessment program to determine what is feasible to improve the efficiency of heavy-duty vehicles and then develop appropriate fuel economy standards.

Additionally, we should provide a Federal tax credit for the purchase of idling-reduction technology for heavy vehicles, such as big trucks. That could save a trucker almost \$1,600 in fuel costs and \$2,000 in maintenance costs each year. It seems almost every week I read or hear or talk with another trucker in Maine who has gone out of business because of the cost of diesel. Think if through these policies we could help those truckers save that kind of money in fuel costs and maintenance each year. It would make the difference for many truckers between staying in business or being forced out of business.

Finally, the 10th point of my plan involves public transportation. Public transportation is difficult in a State such as the Presiding Officer's and mine. There are only three cities in Maine that have regular public transportation. But it is important for the overall goal nationally of energy independence that we focus on public transportation for those areas where it is feasible.

It is one of the most efficient ways we can get more passenger miles per gallon of gasoline. The energy legislation I have introduced would promote the development of the use of public transportation by subsidizing fares, encouraging employers to assist their employees with fares, as we do in the Senate, where we subsidize the employees who use the subway, and by author-

izing funding to build energy-efficient and environmentally friendly modes of transportation, such as clean buses and light rail.

The bill would direct the Department of Transportation to designate 20 transit-oriented developmental corridors in urban areas by the year 2015 and 50 by the year 2025. These corridors could be developed with the aid of grants to State and local governments to construct or improve facilities for motorized transit, bicycles, and pedestrians. We have to look at everything.

In these times of high energy prices, when American families are struggling with the costs of filling their gas tanks and heating their homes, we must act in the short term to provide them some relief, and we must embrace fervently a national effort to achieve energy independence.

This Nation has demonstrated time and time again throughout our history our ability to rise to the challenge. I remember when President Kennedy, in the 1960s, challenged our Nation to be the first to land a man on the Moon and how everyone rallied toward that challenge and we achieved the goal that the President set forth for us. Let's now establish another goal and embrace it as fervently. Let's establish the goal of energy independence by the year 2020. It is vital to our economic, our environmental, and our national security. If we embrace this goal, Mr. President, I am confident we can achieve it.

Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I am glad Senator AKAKA from Hawaii is on the Senate floor. As chairman of the Veterans' Affairs Committee, he has done terrific work on this bill. S. 1315 was reported out of committee 9 months ago—9 months ago. Senator AKAKA has worked on a bipartisan basis to come up with a new set of benefits for our veterans, benefits that are long overdue to help those veterans who are returning from war and faced with serious medical challenges—to help them with housing, with education, and job training, and to right a wrong.

Since World War II, we have realized those Filipinos who fought next to our soldiers in that war have not been treated fairly, and I want to thank Senator AKAKA and Senator INOUE for their leadership in making certain the Filipinos who were there when we needed them in World War II have a chance in this bill to receive at least some benefit for that service.

There were some 470,000 who originally served. There may be only 20,000



left. Time has taken its toll. But for those remaining veterans, we owe them a debt of gratitude, and we should compensate them for service rendered on behalf of the United States. President Franklin Roosevelt called on the Army of the Philippines to stand with us, and they did. They fought and many were wounded. Some died in the process. If the United States is going to be known as a country that remembers its friends, we should remember our friends in the Philippines.

This provision is opposed by the Republican side—maybe not all, but some, and they object to it. They will have a chance to debate that, and I hope we can draw a conclusion soon and move this bill forward.

It is unfortunate that this bill, as important as it is for the veterans of the United States, has been subjected to a filibuster by the Republicans. They have done everything they can to stop this bill from coming to the floor. You would think that something as basic as veterans' benefits would be bipartisan. It certainly was in the committee. It should be on the floor of the Senate.

Last Thursday, Senator HARRY REID, the Democratic majority leader, tried to call up this bill, and he was told no; that he would have to file cloture. To put that in common terms, it means we would have to wait—wait over the weekend, not finish the bill last week—and have a vote, which we had earlier today. The vote was at 12 o'clock, a vote which the Republicans insisted on before going to the bill. The final total on that vote was 94 to nothing. There wasn't a single Senator of either political party who voted against proceeding to this bill.

So all we did was delay this bill for another 4 or 5 days, and we find ourselves at this very moment in the same position. The Republicans refuse to come forward and offer a plan for considering amendments under the bill. The time may come, and I hope it doesn't, when we face another cloture motion, another effort to stop this, a delay tactic from the Republican side of the aisle.

Last week, the Republicans used this delay tactic to stop a technical corrections bill, a bill which just cleaned up some mistaken language—poor grammar, poor spelling—in a bill passed years ago, and a bill that was important because it related to highway and bridge projects and that created good-paying jobs in the United States. The Republicans filibustered that bill. It went on for days and days and days. We thought, well, when it comes to a veterans bill, they are not going to use that filibuster again. But they did.

To date, the Republicans have engaged in 67 filibusters during this session of Congress. They have broken the record. I guess it is a source of pride within their Republican conference. The previous record was 57 filibusters over a 2-year period. They have broken that record in 16 months with 67 filibusters. Each and every time they en-

gage in these delaying and stalling tactics, it is an effort to stop legislation that would move us forward either in creating jobs, which are important for an economy that is facing a recession, or creating veterans' benefits for the thousands of veterans who expect and need a helping hand.

The Republicans continue to use this strategy. I don't know, perhaps someone has inspired them to do this, but I wish they would think twice. This country's veterans and their families expect us to work in a bipartisan way to try to help them. We have many times. But in this bill, in this critically important bill on veterans' benefits, the Republicans have thrown every obstacle in our path that they can legally under the rules of the Senate. That still leaves us with a major responsibility. We owe it to the veterans to get this job done.

I am glad Senator AKAKA is here, keeping his lonely vigil on the Senate floor. I know in a minute we are going to recess and come back in about an hour, but I thank him for his leadership on this important bill. I am hopeful after the break we can come back to the floor and finally find an accommodation and agreement on both sides of the aisle.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that during today's session, all time during any previous recess and any upcoming recess be charged postcloture.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4:30 p.m.

Thereupon, the Senate, at 3:30 p.m., recessed until 4:31 p.m. and reassembled when called to order by the Presiding Officer (Mr. KERRY).

#### VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida is recognized.

##### TRIBUTE TO JOHN LITTLE

Mr. MARTINEZ. Mr. President, I am honored today to pay tribute to an outstanding member of my staff. When I was elected to the Senate, one of the first things I had to do was to select and hire a chief of staff. It didn't take long for me to find John Little. He came to work for me in December 2004, even before I was sworn in as a Senator.

When I first met John, he was legislative director for the junior Senator from Alabama, my colleague JEFF SESSIONS. I asked JEFF if it would be all right if I approached John and hired away a key member of his staff. He was very gracious, and he told me that al-

though he would be hard to replace, he thought it would be a great opportunity for John and wanted to make sure he didn't stand in his way in any way.

One of the reasons I came to Washington was to be engaged in the issues of the day and try to find solutions to the problems facing Floridians and all Americans. Having spent my entire public career in the executive side of Government, I didn't know the inner workings of the Congress and looked for someone with that skill and knowledge. John Little brought that legislative experience from day one to my office and has been an invaluable member of my staff and someone I have relied on and counted on every single day I have been in the Senate.

John's experience on the Hill started when he was a very young lawyer, fresh from passing the bar and eager to work in Government. He worked his way up from being a young staffer writing legislative correspondence to becoming a legislative aide handling policy in the areas of education and health care. John had the respect of his peers and would eventually become legislative director. He is known in the Hill community for being bright, aggressive, conservative and even-keeled. He knows the implications of both large and small shifts in public policy and the impact they might have on families and communities. He brought to the people of Florida a great amount of knowledge and experience and was a problem solver when we had problems we faced.

Through his work and in getting to know John personally, I have come to admire him greatly for his strength of character, a trait I greatly admire in him. In the face of challenges, John courageously rose to meet those challenges. He never wavered in his love of this institution or his love of this country, and he has served the people of Florida and the Senate, an institution that I know he loves, very well.

Over these last few years, John has demonstrated tireless dedication and loyalty to me and the people of Florida. We have successfully turned back attempts to breach Florida's ban on offshore drilling. We have sought and secured funds for restoring the Everglades. We have fought to ensure Florida's military people and bases have the resources they need to perform their duties. Throughout these and other achievements, John has remained humble and committed to ensuring the policies we have pursued were in the best interests of the people of Florida.

For those who know the life of a chief of staff for a Senator, it is not glamorous. The hours are long, the issues are complex and innumerable, and you rarely have the opportunity for an uninterrupted weekend. For these reasons, John has accepted a position in the private sector—a great opportunity for John. This speaks to his skill and knowledge as one of the great