barrel of crude oil and the ultimate product is called the crack spread—the cracking process at the refinery—and that has changed dramatically.

Not that long ago, the difference in cost was $1 or $2 a gallon, in terms of the refining process. Now it is up over $40 a gallon. So the refining process—between the crude oil and what you bought at the gas station—has risen dramatically in cost. Crude oil, of course, costs more. But that has risen dramatically.

That explains something else, a phenomenon which cannot be ignored. This is the week when America learns who is making money off the high gasoline costs we find at the pump. I think the answer is obvious: ConocoPhillips reported 2008 profits for its first quarter were up 17 percent, $4 billion in profits for ConocoPhillips in the first 3 months of the year.

This morning, British Petroleum, BP, announced they made $7.6 billion in profits in the first quarter of 2008. Royal Dutch Shell announced $9.08 billion in the first quarter. We are still waiting for ExxonMobil.

Understand, these are not the biggest profits in the history of the oil industry, these are the largest profits in the history of American business, some say in the history of all business throughout mankind; the largest profit taking ever. At whose expense? At the expense of consumers and families, small businesses, truckers, airlines, and our economy.

That is the reality. Would you not expect the President of the United States to call in the major leaders of these oil companies and say to them: You are destroying the economy we are counting on for America by your profit taking; you are making it impossible for this economy to grow. We are facing a recession over the housing crisis and now you are compounding this misery with your greediness and selfishness and profit taking from this economy.

That is fact. The oil companies say: Well, the problem is we do not have enough refineries. If we had more, then we would have more product and we might have a smaller spread and we would not be. Let me tell you what: Today, the refineries in America are operating at 85 percent of capacity. Do not buy this argument that it is about refineries. They have more capacity. They are holding back so they can keep their product dear and limited and short, and so the consumers will ultimately pay more.

The oil companies have been making money hand over fist as those oil prices have gone up. In 2007, the private oil industry pocketed $155 billion in profits, out of revenues of $1.9 trillion. And the largest integrated oil company, ExxonMobil, reported a profit in 2007 of $40.6 billion, record-breaking numbers.

Profits for the five largest integrated oil companies have more than quadrupled in 5 years. This deluge of profits has been so great that companies hardly know what to do with the flood of money filling their headquarters.

Do you think these profits are being reinvested in infrastructure and increasing production to ease rising prices? Are the profits being used to make it easier for us to use alternative fuel in cars and trucks? The answer is no. A good portion of their profits is being accumulated as uninvested cash. Cash holdings for the five supermajor oil companies in 2007 exceeded $52 billion; money right off your credit card into the oil company coffers that sits there earning interest. That is 279 percent greater than it was in the year 2002. Capital expenditures by the same industry for infrastructure and capacity increased by only 81 percent.

Now, some people have suggested a gas tax holiday; stop collecting the Federal gas tax. I will tell you in the first instance if American consumers are bought off with that alone, they ought to take a second look. If there is a 3-month gas tax holiday, as has been proposed, it will mean savings to consumers on average of about $25 to $30; $25 to $30 for the entire summer. Think about what you are paying for a tank of gas. If you take off the Federal gas tax, then the money is not going into the Federal trust fund to build the highways, to reduce the congestion so you do not sit in traffic burning gasoline and get to your destination. That is not a very good tradeoff. So the obvious question is, if the national gas tax is to come off and give me any savings, what am I ultimately going to pay? Who is going to pay for the money that is lost in the investment in the Federal highway trust fund? That, I think, is critical.

Last week I called on the Chairman of the Federal Trade Commission to launch an investigation into this matter. I should not have had to write that letter. The fact that a Member of Congress has to knock on the door and get a little stir inside the Federal Trade Commission and say: Anybody home? Have you noticed what is going on at gas stations across America? Why would a Member of Congress have to ask the Federal Trade Commission to do their job? But they should do their job. They should be taking a close look at the increase in gasoline prices and diesel prices and jet fuel prices.

This last week, the two biggest airlines in America, American Airlines and United Airlines, reported record losses for the first quarter because of the cost of jet fuel. In the instance of American Airlines, it was around $300 million; United Airlines, around $500 million. These are serious problems. United is going to lay off 1,000 people. That is going to hit my home State of Illinois and the City of Chicago. It is going to hurt us in terms of employment. Other airlines are facing the same squeeze because of jet fuel costs. It is the same issue as diesel fuel, the same issue as gasoline.

If America's economy is going to pull out of this recession and move forward, we need real leadership. We need the Federal Trade Commission investigating those oil companies and their profit taking. We need Congress to stand up on its hind legs and finally say ''enough.'' And would it not be a joy to have a President who would wake up in the morning and look outside the window of the White House and see something other than Baghdad? If he looked outside the window and instead saw Chicago or Boston, or Miami, or Philadelphia, he would understand this American economy needs his attention.

As the President comes and asks us for $108 billion more for this war in Iraq with no end in sight, he is proud that he is going to leave office never changing this failed policy he instituted in Iraq, and he ignores the American economy.

A strong America begins at home. And most Americans will tell you, it begins at the gas pump. Give them affordable gasoline so this economy can grow and they can afford to meet the costs of living which continue to increase dramatically under this administration.

Unfortunately, this President has ignored it. Born in the oil patch, he has been raised to ignore the obvious. When the oil companies are taking obscene profits out of the wallets of American consumers, it not only hurts our economy, it hurts our security in this world.

I am glad 51 Senators have joined in asking President Bush to stop putting oil in the Strategic Petroleum Reserve for the remainder of this year. I wish he would listen, but he has not.

I hope we are going to move toward more research and development so we have cars and trucks that are more fuel efficient. This administration is devoid of ideas and devoid of leadership when it comes to this energy crisis. If this President would get out of the White House and visit any town in America and ask the average person what is on their mind, they would tell him: Mr. President, roll up your sleeves, focus on this country, bring down the cost of gasoline. Get energy prices under control so this economy can prosper.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 539 submitted earlier today by Senators REID and MCCONNELL.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 539) to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony

and representation in criminal trespass actions in Penobscot County Court in Bangor, ME. In these actions, protesters have been charged with trespassing for refusing requests by the police on March 7, 2007, to leave the Margaret Chase Smith Federal Building, which houses a number of Federal offices, including Senator SUSAN COLLINS' Bangor, ME office. Trials on charges of trespass are scheduled to commence on April 29, 2008. On April 28, 2008, a defendant subpoenaed a member of the Senator's staff who had conversations with the defendant protesters during the charged events. Senator COLLINS would like to cooperate by providing testimony from that staff member. This resolution would authorize that employee to testify in connection with these actions, with representation by the Senate legal counsel of that employee and any other employee of the Senator from whom evidence may be sought.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR–2007–441), Jonathan Kreps (CR–2007–442), James Freeman (CR–2007–443), Henry Braun (CR–2007–444), Robert Shetterly (CR–2007–445), and Dudley Hendrick (CR–2007–467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena. order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

SMALL BUSINESS EMPOWERMENT ACT

Mr. BROWN. Mr. President, this week is the sixth annual Cover the Uninsured Week. Community organizations and foundations around the country will be hosting events to highlight the need for health reform. Across the Nation, we all know this: 47 million people lack health insurance. In my State of Ohio, 1.2 million people, 11 percent of the population, are uninsured.

It is no different in the Presiding Officer's State of Pennsylvania. But that even one American lacks health coverage is a national embarrassment. We are the wealthiest Nation in the world. We spend $2.38 trillion a year, $2.3 trillion a year in health care, but we cannot make sure that every American has health care coverage? Of course we can.

Every other industrialized nation on this Earth ensures access to coverage. We in this body have chosen not to. Last year Congress tried to provide health coverage to millions more low-income children. The House and Senate both passed bills twice to provide $35 billion over 5 years in additional funding for the State Children's Health Insurance Plan. It was the biggest bipartisan initiative to expand health care coverage in years. Twice—not once but twice—the President vetoed that legislation. We spend more than $3 billion every week in the war in Iraq. The President vetoed legislation spending $7 billion a year to insure 4 million children; $3 billion a week every week in Iraq; the President vetoed $7 billion a year to insure 4 million children. These are the sons and daughters of working parents; sons and daughters of parents in Toledo, in Mansfield, in Zanesville, who are working hard and playing by the rules.

Think about this: Since I have begun to speak a few moments ago, we have, in Iraq, spent $650,000. Yesterday in Iraq we spent $400 million. Last week in Iraq we spent $3 billion. Again, the President vetoed legislation $7 billion a year for 4 million children. It was disappointing to us as advocates for children's health insurance. But mostly it was disappointing to the parents of children around my State, in Cincinnati, from Ashtabula, from Marietta to Springfield, to Lima, parents around Ohio and around the country who need health insurance for their children.

Not only do many low-income children live without health insurance, but families whose breadwinners are self-employed or who work for small businesses struggle to get health insurance too, families such as the Coltmans of Conneaut, OH, a community in the northeast corner right across the line from Pennsylvania. The Coltmans are a large family with five children and two hard-working parents. Last year their 7-year-old son Caleb was diagnosed with leukemia. The doctors are optimistic, but treatment is wildly expensive. Last year, Kenna Coltman, Caleb's mother, left her job to work for her family business, a neighborhood grocery store. Unfortunately, this meant she had to search for new health insurance. After a long search for private insurance, the Coltmans found an affordable plan, but it was not scheduled to go into effect until August. By that time, Caleb had been diagnosed with leukemia, which was a deal breaker for the private insurer. Uninsured, facing a catastrophic illness, a parent's worst nightmare, the Coltmans had run out of options.

Kenna, the mother, a college-educated daughter herself of two Conneaut natives, recounted the experience this way.

She said: If there was absolutely any other way to get our son the care and medication he needs without totally impoverishing our family, we would do it.

In a country like ours, families should not have to worry about being thrown into abject poverty to pay for health insurance. Families want to do the right thing. They want to insure their children. They work hard, they play by the rules. But insurance is too often out of reach.

That is why today I am introducing a bill to make health insurance more viable for workers employed by small businesses. The Small Business Empowerment Act would create an insurance program for small businesses and self-employed Americans. This program is modeled after the excellent coverage that is provided to Federal workers and to Members of the House and Senate.

To keep premiums affordable, the Department of Health and Human Services would create a reinsurance mechanism to help cover high-cost enrollees. The legislation would establish a Federal commission to tackle the toughest health policy issues: how to rein in health care spending without compromising health care quality and access; how to craft an insurance package that treats all enrollees equally, regardless of what type of health care they need, which is essential; how to combat price gouging by the drug industry, the medical device industry, and the insurance industry. In other words, how to ensure our health care system is sustainable and equitable, efficient and effective. The bill was introduced to help families such as the Coltmans.

Thankfully, Caleb's current prognosis is good, and the family business seems to be turning the corner. His treatment was covered by Ohio's Medicaid I Program, another program that is crucial to providing coverage to families who are struggling; another program that is under attack by this administration as it tries to change the rules and as it cuts billions of dollars from the program.