

lives in order to try to reach a better life that would not be under the oppression of a government that had succeeded in conquering the south. Many of them came to the United States.

Many of the families whose fathers and, in some cases, mothers had been in reeducation camps were able to relocate here and begin a different life. A Stalinist system took over in the north. When I started going back to Vietnam in 1991, that system was very much in place.

We should look to the future. I believe there are two important things for us to keep in mind at this point in the evolution of our relations with Vietnam. First is that over a pretty rocky period of time, the Communist Government of Vietnam has made adjustments and positive contributions. This is not to say that we are in a perfectly beneficial relationship, but I have been pleased, since 1991, to participate in many of these endeavors to bring a more moderate society inside Vietnam and to assist in bringing in American businesses.

Vietnam and Thailand, in my view, are two of the most important countries in terms of how the United States should be looking at East Asia and Southeast Asia with the emergence of China, the emergence of India, and the evolution of Muslim fundamentalism that spills over in Southeast Asia into countries such as Indonesia, Malaysia, and the south Philippines. Vietnam and Thailand are very important to us, and the relationships evolving between Vietnam and the United States are healthy and in the long term are going to be successful.

The second thing we should remember is that there are many Vietnamese Americans in this country who suffered not only during the war, but after 1975. We tend to forget that with the reorganization of the society that occurred under Communist rule. I have spent a good bit of my life working to assist this refugee community in the United States. I also have been working to build a bridge between the overseas Vietnamese community and the ruling Government in Vietnam today. Through that bridge, we are going to have a much healthier society here and also a much more productive society in Vietnam.

Today, I wanted to do my small part in making sure we in this country remember not only a struggle that had a great deal of validity to it—even though it did not turn out the way many of us wanted it to—but also the positive aspects of our relations with Vietnam looking into the future.

With, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I honor, as always, the words and wisdom of the Senator from Virginia.

Mr. WEBB. I thank the Senator from West Virginia.

## FAA REAUTHORIZATION ACT OF 2007—Continued

AMENDMENT NO. 4587

Mr. ROCKEFELLER. Mr. President, I rise in support of Senator DURBIN's amendment.

The debate is not about an arcane, technical pension funding rule. The issue before us is about whether thousands and thousands of airline employees are allowed to keep hard-earned defined benefit pensions or if we are going to regulate them or throw them out to the underfunded PBGC, which has so much debt that you cannot count the zeros. This issue is about whether we are going to send additional major carriers, who have so far avoided bankruptcy in these brutal financial circumstances, into a downward spiral. My premise is to hold the main carriers harmless. They are up against it, at the cliff. We should hold them harmless.

Adding this pension provision to the FAA bill would defeat the whole purpose of this compromise brokered by the Finance and the Commerce Committees, which was done with the underlying principle that we should hold the commercial airlines harmless during these turbulent economic times, which are expected to last. That is sacred. That is why it would be unwise to load up an additional liability on airlines trying to do the right thing for their employees.

It would be especially wrong to cause that result in a misguided effort to put the preservation of regular order before common sense—in other words, going around a committee. It happens. Airline employees will pay the unnecessary price for this change from current law. It cannot happen.

During these tough times of rising fuel prices and mounting financial losses, this is not the time to impose tougher, unrealistic pension funding requirements upon the airline industry. To do so would risk more bankruptcies and force carriers to dump their pensions into the woebegone PBGC. That would put in danger the economic security of workers who would prefer to stay employed and not have their pensions frozen.

In 2005, when the Senate was considering the Pension Protection Act on the Senate floor, we passed an amendment by voice vote that I cosponsored with Senator ISAKSON and Senator LOTT. The amendment would have given all airline carriers substantial pension relief. The amendment did not pick winners or losers within the airline industry. It is not our business. Rather, it focused on keeping their defined benefit pension plans solvent.

Unfortunately, as Senator HUTCHISON pointed out, the final product that came out of conference in 2006 limited the pension relief the Senate sought to give all airlines. Led by—and I will say he is gone and I am not sad—the Ways and Means Committee chairman, Bill Thomas, the conference report chose winners and losers. It gave some car-

riers more pension relief than others, creating a competitive advantage for some carriers.

A number of Senators were not happy with the airline provisions bill, including Senators DURBIN, REID, OBAMA, HARKIN, MENENDEZ, LAUTENBERG, BILL NELSON, and a lot of the rest of us. They entered a colloquy on the floor arguing that this disparity needed to be dealt with.

That is why in last year's Iraq war supplemental appropriations legislation DICK DURBIN did the only thing that he had available to him to do, and with the strong support of Senator HUTCHISON, he sought to right this wrong and inserted a provision that brought the airlines up to par and gave them the necessary pension relief that they deserved. I understand this was perhaps not the best process. We are not a body known for our meticulous protocol. We are trying to get something in that is lifesaving for the Nation.

As a senior member of the Finance Committee myself, which has jurisdiction of pension legislation, I agree with Senator BAUCUS that it would have been more ideal to go through the regular order and have the Finance Committee review and vet the provision. The problem is that it wasn't going to happen.

However, airlines need and deserve pension relief. We cannot adopt the pension provision of the Finance Committee tax title and impose higher pension burdens upon five domestic airlines, which has been discussed by various people, during these tougher economic times.

Remember, hold legacy commercial airlines harmless. So we would be turning our backs on American, Continental, US Airways, Hawaiian, and Alaska Air. To do so would risk more bankruptcies and more job losses. I pointed out earlier that one out of every six jobs in the airline industry has been lost in the last 6 years.

In 2005, while we were debating the Isakson-Rockefeller-Lott amendment that brought all airlines equitable pension relief, I stated on the Senate floor that my goal was to protect the employees and retirees who worked so hard to earn retirement benefits, and that remains my goal today.

To deny disadvantaged airlines the relief they rightfully deserve in the Pension Protection Act and which the Senate voted to give them would be unfair.

I have the utmost respect for Senators BAUCUS and GRASSLEY. They are a superb team. They did their very best and did a very good job on the whole on the Pension Protection Act. But the Finance Committee in the Senate should not have received the dicta of the now thoroughly retired former Ways and Means Committee chairman. The former House majority succeeded with their desperate efforts to achieve questionable policy goals by holding long-awaited pension reform legislation hostage. But that was then and

this is now, and we should not give the former House majority the satisfaction of achieving their desired objective over a jurisdictional squabble, and that is all it is. It counts. I understand that. It counts. People lie on the floor to protect it, but in this case, we are dealing with something much larger.

We can do better, and that must begin by us stepping back and invoking the "do no harm" principle. America cannot afford another major bankruptcy to cripple our aviation system.

With all of my respect to the Finance Committee leadership, we just cannot do one more thing to jeopardize the health of our domestic aviation industry, particularly the commercial sector. The rest of it is doing very well. For that reason, I will support Senator DURBIN's amendment, and I urge my colleagues to do the same.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Iowa.

**Mr. GRASSLEY.** Mr. President, I take a view opposite what was just spoken by Senator ROCKEFELLER on the amendment that is before the Senate, the Durbin amendment, No. 1, because of a very carefully crafted compromise that was worked out when the pension reform bill was passed, and No. 2, the purpose of that legislation was to protect the pensions of the workers of the corporations of America, including the workers who work for our airlines.

What we are trying to do is stay within the realm of that compromise and the protection of workers' pensions. This effort detracts from it. I am trying to make sure workers' pensions are protected.

I am going to ask my colleagues to be against the Durbin-Hutchison amendment. The amendment before us seeks to keep in place a policy that is wrong from a pension policy standpoint. The amendment also would preserve a process followed against two committees with jurisdiction over pension policy—the Finance Committee and the Health, Education, Labor, and Pensions Committee. These two committees worked arm in arm for all of 2006 to get a pension reform bill together that would protect workers' pensions.

If the proponents of this amendment succeed in their effort, it will taint the legislative process with respect to one of the most important policy challenges before Congress, and this is strengthening retirement security.

The provision the proponents seek to strike is not only justified from a policy perspective—but the way in which the original provision of the Pension Protection Act was modified should raise the eyebrows of some of my Senate colleagues.

I would first like to walk my Senate colleagues through the yearlong conference negotiations of the Pension Act which occurred less than 2 years ago. But let me first remind my colleagues that the underlying intent of the Pension Act is to require defined benefit

plan sponsors to fully fund their pension plans; in other words, keep their promise to their employees.

In nontechnical terms, the Pension Act makes sure plan sponsors are not digging a deeper hole by requiring plans to pay off their unfunded liabilities.

The Pension Act requires defined benefit plan sponsors to make contributions, one, to cover benefits accrued in the current year and, two, to pay off any unfunded pension liabilities or past liabilities over a 7-year period of time. A lot of people think we were not doing justice to the workers of America by giving these companies 7 years to pay off these past liabilities, but at least we have a plan in place that two committees of this Senate worked on that was a compromise that would bring us to the point where even after 7 years, workers' pensions would be protected.

There is an interest rate issue with a lot of pensions—the interest rate used to determine these past liabilities based on the yield curve of high-quality corporate bond rates. Currently, the corporate bond yield curve rate is approximately 6 percent. The Pension Act provided two exceptions to this general rule. The exceptions were specifically provided for certain commercial airline carriers that may have had difficulty meeting the general requirements within the bill. In other words, we were taking into consideration 2 years ago the very critical and—how would I say it—very unpredictable future of airlines. That is something that was legitimate at the time.

There were exceptions for these commercial airline carriers. Under the first exception, carriers that froze their pension plans were permitted to pay off any past pension liabilities over 17 years—that is instead of 7 years—and use in the process an 8.85-percent interest rate to calculate past liabilities. And that would be instead of current law, which is a 6-percent rate. Under the second exception, carriers that did not freeze their pension plans were permitted to pay off liabilities over 10 years instead of 17 years, if they chose the other course, and use the current 6-percent rate instead of the 8.85-percent interest rate.

During the Pension Act negotiations, those airline carriers freezing their plans were permitted to take advantage of the first exception. We were aware at that time that these carriers pledged to make new 401(k) contributions on behalf of current and new employees in their union negotiations.

Those airline carriers that did not freeze their plans did not need to make the same pledge for a 401(k)-type retirement because these carriers continued their pension plans. The workers for these carriers continued to accrue benefits under the pension plan.

The opponents of section 808 do not understand or maybe they choose to ignore that this was a carefully crafted compromise which was intended to

place workers of each of these carriers in a similar position from a retirement perspective. Workers of carriers that did not freeze their plans continued to accrue their usual pension benefits. Workers of carriers that froze their plans received retirement benefits under 401(k) plans. Under each approach, the carriers remain obligated to pay their retirement benefits that accrue in the current year.

This was a proworker, proparticipant approach that recognized the financial distress the airline industry was experiencing. It also recognized the differences in the financial health of the carriers that froze their pension plans and the financial health of carriers that did not freeze their retirement plans.

The amendment's proponents are now saying they want the same set of rules that were offered to carriers that froze their plans.

What is on the books that we in the Finance Committee are trying to correct in this legislation is that we gave maximum flexibility to airlines to choose one plan or another, the one that fit, whether they wanted to freeze their pension plans or not freeze their pension plans. And if they froze their pension plans, they chose a future 401(k) for their employees. It was maximum flexibility because these union agreements were much different among the airlines and the financial conditions of the airlines were very much different. We wanted to give choice for flexibility for the financial management of the corporations to keep their promise to their workers, and we wanted to keep our promise that Congress made under our laws that workers' retirement ought to be protected. So there was maximum flexibility.

OK, everybody agreed to this, and then later on, people wanted to change the rules in the middle of the game to benefit one airline over another airline. So the proponents of the present law, the present distraction from our compromise that was made less than 2 years ago, will tell you that just before passage of the Pension Act, an agreement was reached with Senate leadership that the Senate would take the first available opportunity in the next Congress to offer the same set of rules to carriers who do not freeze their pension plans. If that is true, then why did we worry and try to make this compromise over a period of 7 months during 2006? We wouldn't have had to spend the time to do that.

On January 4, 2007, Senator HUTCHISON and Senator CORNYN introduced a bill that loosened the rules for those carriers that did not freeze their plans. The bill increased the current interest rate of 6 percent to 8.25 percent, which, in their view, is closer to the 8.85-percent rate given to frozen plans.

The bill was referred to the Health, Education, Labor, and Pensions Committee. I don't recall Chairman KENNEDY and Ranking Member ENZI considering the Hutchison-Cornyn bill in

the normal course of the committee process. I know for a fact that neither Chairman BAUCUS nor I considered the Hutchison-Cornyn bill in the Finance Committee.

Language that was identical to Hutchison-Cornyn was slipped into the war supplemental conference agreement. This action was taken without consideration by the two committees of jurisdiction over pensions, the very same two committees that worked for several months during 2006 to work out this carefully crafted compromise that took into consideration the financial conditions of the various airlines, the desire of some airlines to freeze their pensions and substitute 401(k)s and those airlines that wanted to keep their pension system going as was, without any consideration to the people who worked on this for so long.

It was slipped into the conference agreement of an appropriations bill. Isn't that the process we here in the Senate are trying to put an end to? No promises were broken. The promise to make the rules the same was taken up in this Congress. Specifically, the Senate Finance Committee included the provision we are debating today and the modification of the chairman's mark of the Federal Aviation Administration authorization bill. The mark was considered by the full Senate Finance Committee in September of last year. The full committee overwhelmingly supported that provision and favorably reported it out of committee. Proponents of this amendment cannot stand on the Senate floor and cannot in good conscience argue that promises made to them were not kept.

Let me remind my colleagues that we here in the Senate have a committee process which enables Members to debate and dispense with issues in an orderly process. Without this orderly process, the democratic process our Founding Fathers gave us breaks down. I didn't serve as chairman and now ranking member of the Finance Committee to let an orderly and democratic process break down, particularly considering the months of compromise the House and Senate took to work out what that pension bill was all about.

For my Senate colleagues to suggest that a provision that was not considered during the normal course of the committee process is making good on a promise that was made to them—I think that is not acceptable. For my Senate colleagues who, alternately, contend that the promises that were made to them were not kept, I ask them why they did not speak up during the full and open deliberation that occurred in the Finance Committee in September. Why are they now opposing a provision that was out there in the clear light of day for over 7 months and, if they had problems with the provisions, not speak to us about them? Or is it that the airline carriers that oppose this provision finally woke up? I don't know. Did they wake up to the fact that their blatant end run around

the committee process would not go unnoticed and they wanted to find some way to undo the careful compromise of 2006? I am skeptical, of course. "Skeptical" is an understatement.

But let me turn to the policy in the Finance Committee bill. As we have established, opponents of that provision successfully increased the interest rate for nonfrozen plans to 8.25 percent. They say the 8.25-percent rate levels the playing field. I admit that and agree with them. But it only levels the playing field in the context of calculating past liabilities. So I agree it is equitable to allow all the carriers to use the more favorable interest rate to calculate past liabilities, but it is not equitable to allow carriers that did not freeze their plans to underfund benefits earned in the future and maybe get us back to the position we are still in somewhat, even regardless of the law that is now on the books. This is what is going to happen if we do not do something about it right now.

I would like to correct the manner in which my distinguished colleague from Illinois—and he is here on the floor—refers to the now infamous 8.25 percent, versus the 8.85 percent. These are not "earnings rates." The rates are not used to determine the value of plan assets. Instead, the rates are discount rates that actuaries use to determine the present value of pension liabilities. Basically, the rates are used to determine how much a company has to contribute today to make good on the promised pension payments that would be due when an employee retires.

This is an important distinction because when a company uses a higher interest to project the present value, the company is able to understate—or I would use the word "mask"—the promised pension payments. This understatement allows the company to contribute less money to the plan. Less money to the plan is an important distinction because we are talking about protecting workers and their pension rights.

Why would a worker support a policy that places the full value of their promised pension payments in jeopardy? My colleague from Illinois contends that the workers of the carriers in question support this practice and, of course, the Durbin-Hutchison amendment. Most workers I know ask for bigger payments or at least want to make sure they are secure in retirement. It is usually management that wants to short the worker. That is why we get into the trouble we are in and why the Pension Act of 2006 was necessary.

But let me get back to what the war supplemental actually accomplished. Carriers that are currently using the 8.25-percent interest rate are now permitted, No. 1, to mask the pension plan's unfunded liabilities and, No. 2, contribute less money to a pension plan. The greater extent to which a pension plan is underfunded, the great-

er the risks to the Pension Benefit Guaranty Corporation, the Federal insurer of the pension plans. Then, obviously, if that comes up short, the taxpayers pick up the bill.

Opponents of the Finance Committee provision argue that the most important risk factor for the Pension Benefit Guaranty Corporation is the financial health of a plan sponsor. This is not entirely true. Whether a plan is underfunded is an equally important risk factor. Specifically, if the company goes into bankruptcy and pushes the pension liabilities onto the PBGC, guess who is holding the bag for those unfunded liabilities—it is the PBGC. In the most extreme cases, then the taxpayers might be left holding the bag.

My opponents cannot tell half of the story. Yes, the financial health of the plan sponsor is important, but so is the funding status of the plan. What we have here is an issue of underfunding. I told you that from an actuarial perspective, higher interest rates mean lower plan liabilities. When a plan's sponsor uses a higher interest rate to determine its liability, the sponsor is effectively masking the plan's liabilities. In other words, the plan's liabilities are artificially understated. I want to emphasize the word "artificial" because what we have here is a case where the carriers that oppose the Finance Committee provision are trying to take advantage of a special funding rule based on an artificial funding status.

I went to great lengths to say to my colleagues during 2006 how we tried to take into consideration—between the two committees, the Labor Committee and the Finance Committee—considerations of the different financial conditions of the various air carriers and to give them some choice. Specifically, if a plan sponsor using the normal 6-percent rate is 100 percent funded, the plan sponsor is only required to contribute money to cover the current year's costs. If the plan is, say, 115 percent funded, the plan sponsor may use the excess to cover the current year liabilities. In some cases, the plan sponsor will not have to contribute any money because the excess would cover the current year costs. Carriers that are using the 8.25-percent are contending that, because their plan is 116 percent funded, they do not have to make the current year contribution. The problem here is that the 116-percent funding status is artificial. It is artificial because the 8.25 rate effectively masks the underfunding of the plan.

So I ask my Senate colleagues, should a plan that is artificially funded be permitted to avail itself of a rule that is only available to plans that are adequately funded? Or put another way—this is fuzzy funding math. It is fuzzy in the way it puts the plan at risk. Should plans that are artificially funded be allowed to skip making their current year contributions? In that case, are they not just digging the hole deeper?

The Finance Committee provision says that if these carriers use the 8.25-percent rate, which results in an artificial funding level, these carriers cannot skip their current year's contributions. So the Finance Committee provision makes good on the promise that was made to Senators during the year 2006; that is, that we are allowing carriers that did not freeze their plans to use a more favorable interest rate to determine their past liabilities—the same deal that was given to frozen plans. What we are also saying, however, is that if you are using the more favorable rate, you have to contribute the current year's cost. That is the grand compromise of 2006.

Again, the same deal was given to the other set of airlines and/or other corporations—to freeze their plan. To do otherwise would, No. 1, adversely affect active workers and, No. 2, allow these carriers to dig a deeper hole by allowing pension liabilities to continue to grow.

Moreover, taxpayers can end up being on the hook for these unfunded liabilities.

It all comes down to this bottom line: Workers, retirees, and taxpayers are in better shape if there is more money in the retirement plans. Workers, retirees, and taxpayers are in worse shape if there is less money in the retirement plans. Management wins if the company puts less money into the plan and workers, retirees, and taxpayers lose.

A vote for this amendment is a vote to put less money in the retirement plan. A vote against this amendment is a vote to put more money in.

Let me make sure I said that right. A vote for the amendment is a vote to put less money in the retirement plan. A vote against the amendment is a vote to put more money into the retirement plan. If you vote for the amendment, you are putting workers and retirees—and you ought to be concerned about taxpayers, most of all—at risk.

I hope my colleagues join me in opposing this amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Illinois. Mr. DURBIN. Mr. President, I greatly respect the Senator from Iowa. I know he may have to leave, but I do have to tell him I disagree with several things he said.

First, the point he raised: Why wasn't I in the Finance Committee stating my position? I am not a member of that committee and I do not know the procedure that was followed by the committee.

I will tell you, in this Federal Aviation Administration authorization bill, this is the only pension provision. To think this is a pension bill and we should have been forewarned that airline pensions would be part of the discussion about keeping America's skies safer and air travel safer came as somewhat of a surprise.

I learned of this amendment last week. I have known for a long time the position of the chairman and ranking member in opposition to my position on this issue, and I knew the day would come when we would revisit it.

But there are several things here which I think have to be said: First, freezing a pension plan might not sound like much unless you are a retiree. A frozen pension, which is what we are talking about with some airlines, would disqualify new workers from qualifying for the pension and restrict the airline from expanding any benefits under the retirement plan.

That is a frozen plan. That is what happened with several airlines as they faced and went into bankruptcy. They froze their plans. They said to their retirees: Times are tough. We cannot cover new employees. We cannot give you anything more; it is frozen.

Now, they were given pretty good treatment by the Finance Committee. In fact, they were given the most preferred treatment of any corporations in America. They were allowed to fund their pension plan over a longer period of time than any company in America, 17 years, and they started with an imputed assumption of 8.85 in terms of—as the Senator from Iowa called it the discount rate or others, the interest rate. But they were given this preferred position. It applied to two airlines, Northwest and Delta.

Now, what about the rest of the airlines? They were put in a different category. In their situations, airlines such as American Airlines did not freeze their pension plans; new workers came into their pension plans; benefits could be improved in their pension plans.

They were told: You will not be given the preferred treatment given to those that freeze their pension plans. It seems like it is upside down. You would think we would be benefitting those companies that are trying to do better by their employees. But, instead, we went the other way and said: We limit their catchup funding and liability to 10 years and the imputed interest to 8.25 percent, not as good a deal, and in the world of hundreds of millions of dollars, a very expensive difference between frozen pension plans and those that still have active defined benefit plans.

So now comes the argument with this new amendment in the Federal Aviation Administration authorization bill, that we have to freeze the current level of contributions being given by the airlines. Well, let me give you an example of what that means. In the instance of American Airlines, they have not only funded their liability to 100 percent, they have added more, despite the tough economic times.

Their funding level is 115 percent. It is not as if they are trying to pull anything over on their workers and retirees, they are putting more money in than they are required, even in these tough times.

The effect of this amendment, if it is not removed, is to hold them at that

115 percent contribution. What does it mean to the airlines such as American? It means \$1 billion over 5 years. It means \$200 million each year to keep the funding level way beyond the 100 percent that is necessary.

Now, if these were prosperous times, and these were companies that were making money, having record profits, you might be able to make that argument. I am not sure how, but you might be able to make it. But exactly the opposite is true.

I think the Senator from Iowa knows as well as I do how many airlines have gone bankrupt. The first time I met the Senator from Iowa, we were flying together on Ozark Airlines. That goes back a few years. Then we were flying together on TWA. That goes back a few years. And these airlines are gone. In the last few weeks, another five airlines are gone. This is a very risky business with the cost of jet fuel.

To say: Well, this will not hurt the airlines, another \$200 million a year, just have them keep overfunding their pension liability is to ignore the obvious. As dangerous as it may be to have an unfunded pension plan, it is even more dangerous to be working at a company that goes into bankruptcy. I have been with companies that have gone through this PBGC. They do not always come out whole at the end of the day. There are limits on what the PBGC will pay, in terms of outstanding benefits to workers. They can end up with less.

So what we have is a circumstance where the Finance Committee is wanting to roll the dice. They want to bet that American airlines in general, not the American Airlines but American airlines in general, that do not have frozen benefits plans are going to start making a lot of money. They seem to think the price of a barrel of oil is going to go down; they think the cost of jet fuel is going to go down; they think these airlines are going to be flush with cash and be able to overfund their pensions.

Well, that is one possibility, but you would have to say, looking at what has happened over the last several weeks, not very likely; it is more likely that airlines will continue to face the pressure of increasing energy and fuel costs, more airlines will be flirting with bankruptcy, they will be struggling to meet the bottom line.

United Airlines laid off 1,000 workers last week, a \$500 million loss in the first quarter. I think it is the largest they have ever sustained. Things do not look that rosy.

What Senator HUTCHISON and I are saying is be careful. Do not toy with the pensions of so many workers. Do not bet the farm, even an Iowa corn farm, on the possibility that things are going to get better for the airlines. Be conservative. Be careful. But protect the workers in the meantime. So as you listen to the Senator from Iowa close and say: Well, if you want to put more money in the pension system,

vote against this amendment. If you want to take money out, vote for it.

I would say to the Senator, there is only one problem with his argument: 150,000 of the 180,000 workers affected by your amendment support the Durbin-Hutchison amendment. They believe it is far better to maintain the current system of funding, not jeopardize these airlines so they might go into bankruptcy, have fair funding that makes sure these retirement benefits can continue to be paid. That is a fact.

When Senator BAUCUS, the chairman of the committee, came to the floor earlier, he said he wants to level the playing field. Well, the current law is already unfair. The field is far from level. And section 808 makes this inequity even worse, even worse.

It tips the playing field heavily on the side of Delta and Northwest at the expense of the other airlines, the five that would be hit by this. I urge my colleagues, if we are going to err, let's err on the side of caution. Caution tells us: Good funding of the pension liabilities in a difficult economic climate, with airlines going into bankruptcy, listen to the workers whose pensions are at stake and vote for the Durbin-Hutchison amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Texas.

Mr. CORNYN. Mr. President, I am proud to join Senator DURBIN and Senator HUTCHISON, the senior Senator from Texas, along with Senators BROWN, VOINOVICH, Senator BILL NELSON of Florida, and Senator LAUTENBERG from New Jersey in support of this amendment which would strike section 808 of the FAA reauthorization bill.

I would like to explain why. The 30,000-foot view is, if enacted, it would impose a significant and unfair burden on airlines that have done the most to provide for secure retirements for their former employees or their employees who will retire.

This amendment will make sure Congress does not jeopardize the pensions of 50,000 of my constituents in Texas who depend on the airline industry for their retirement, their nest egg, that they will retire on when they leave active duty.

Also, if this amendment is passed, it will relieve a significant competitive disadvantage some airlines, not coincidentally a couple headquartered in my State, American and Continental, would operate under, if the Finance Committee proposal would prevail.

That is why I support striking section 808 of the FAA authorization bill. Section 808 would undermine the ability of some airlines to maintain their commitments to their workers at a time when our economy is becoming softer and more questions than answers are apparent with regard to what our economic future, at least in the short term, is going to look like. It would reduce the financial flexibility of airlines, precisely at a time when they need it the most.

Now, I think a little refresher on recent history is important. Because what has actually happened is, in 2006, the Pension Protection Act was passed, and to be blunt about it, what happened is it benefitted airlines such as Delta and some others around the country, while American and Continental were basically told to wait, there will be an opportunity later on to come back to take care of your concerns and level the playing field and to eliminate the preferential treatment that was given to some other airlines during the Pension Protection Act of 2006.

So patiently we waited. Last year's supplemental appropriations bill was the vehicle we used to correct the inequitable treatment created for airlines such as Continental and American in the Pension Protection Act of 2006. The act included language that is in the supplemental appropriations bill, language out of S. 119, that I introduced with Senator HUTCHISON. As I said, it corrected the inequity that was earlier created in the Pension Protection Act of 2006.

But now, section 808 in the Finance Committee provision would simply undo the corrective action that Congress undertook in the supplemental appropriations bill I mentioned a moment ago. It should not be a part of the bill, I would also say, that is about improving and modernizing the air traffic control system in this country. Why would we be messing with the pensions of 50,000 Texans who depend on those two major airlines for their retirement benefits in this bill? It makes no sense.

I believe it is unfair and would reverse the corrective action we were able to accomplish in last year's supplemental appropriations bill. I have worked hard, along with my colleagues I mentioned, to make sure those folks who work in the airline industry will have a pension when they retire. I will continue to do so. I sincerely believe that passing the Finance Committee provision, section 808, would jeopardize their retirement benefits; could, in all probability, result in more airlines becoming bankrupt with tremendous uncertainty injected in terms of how their pensions would be protected.

At a time when airlines and their employees are facing enormous challenges, Congress should not pull the carpet out from under their feet and get in the business of picking winners and losers by giving some airlines preferential treatment over other airlines.

I wish to extend my gratitude to the Senator from Illinois, Mr. DURBIN, and my colleague, Senator HUTCHISON, for their leadership on this issue. I am proud to join them in this bipartisan amendment, which would strike section 808 of the FAA authorization bill, as I have described, and would, I think, make sure that what we do is keep the level playing field, not jeopardize the pensions of thousands of airline workers and would comport with fundamental fairness and equity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business on the energy crisis taking place in our country.

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

#### ENERGY CRISIS

Mr. SANDERS. Mr. President, I think virtually everyone in America understands our country is in extremely difficult straits; that the middle class is collapsing; that poverty is increasing; and that one of the immediate factors that is driving so many Americans over the edge is outrageously high energy prices.

This impacts every community in America, but it especially impacts rural States such as the State of Vermont, where workers are forced to drive long distances to work and end up spending an inordinate amount of money at the gas tank.

It is not uncommon in my State for people to travel 100 miles a day to work and back. If you do the arithmetic, you will find that in many cases, as oil prices and gas price have risen, people today are paying \$1,000 a year more than a year and a half ago to fill up their gas tanks.

If you are a worker earning \$30,000 or \$35,000 a year, and you got a 3-percent increase in your wages, that is pretty good; in some cases all of your wage increase is going down that gas tank. You have to pay higher health care costs, higher educational costs, higher property taxes, and you are in a lot of trouble, which is why the middle class in America is, in fact, shrinking significantly.

Not only is this a major crisis in terms of what is happening at the gas pump, there is also severe worry about what happens next winter when people have to fill up their home heating oil furnaces and stay warm in the winter in States such as Vermont.

I can tell you that all over my State, a lot of senior citizens and other people are extremely worried about how they are going to stay warm next winter with the price of home heating fuel soaring to the degree it is.

Meanwhile, while prices at the gas pump are soaring, while home heating oil and diesel fuel are soaring, the profits of huge oil companies are going up to recordbreaking levels; hedge fund managers make billions speculating on oil futures, and OPEC continues to function as a price-fixing cartel in violation of World Trade Organization rules.

The average price for a gallon of gas recently hit a record breaking \$3.60 a gallon, which has more than doubled since President Bush has been in office. The price of diesel fuel is now averaging over \$4.17 a gallon, which is a \$1.36 more than a year ago, and the price of oil is well over \$114 a barrel. These prices say it all. What they say is we have a national emergency on our

hands. It is absolutely imperative for the Congress to begin to act in order to lessen this onerous burden on tens of millions of families. These record-breaking oil and gas prices at the pump are impacting not only consumers of oil and gas but, obviously, our entire economy. They are impacting family farmers, small businesses, airlines, grocery stores, restaurants, tourism and, of course, the price of food. This national oil emergency demands both short-term and long-term solutions.

One of the issues that concerns me is, I hear people getting up and saying: Long term, we have to transform our energy system away from fossil fuel to energy efficiency and sustainable energy. There is nobody in the Senate who believes that more than I do. We are on the cusp of a major transformation of our energy system. We need an Apollo-type project to invest heavily in wind, solar, and geothermal energy efficiency. We can do that. In the process, we can create millions of good-paying jobs. We have made a start in that direction, but we have not gone far enough. But to say we must focus on long-term solutions does not mean we can ignore the immediate crisis. Yes, we have to break our dependency on fossil fuel, but that is not going to solve the problem for a worker in Vermont who is paying \$3.50 for a gallon of gas today. We have to address his and her problem as well. So it is not either/or. Yes, we break our dependency on fossil fuel and move to sustainable energy, but we also address the crisis of today. We tell workers all over this country that we understand they cannot afford to pay outrageous prices for gas.

There have been literally dozens of ideas from both sides of the aisle, good ideas, an understanding of the crisis as to why oil prices are soaring and also good ideas as to how we might solve the problem. I applaud all of those Senators who have come up with ideas. But it seems to me if we are going to be successful in helping the average American, we have to come forward with a comprehensive package. It is not good enough to say: I have an amendment in this bill and I have some language in that bill which may come about in 2 years or may never come about, and I have something over there. What we need is a comprehensive piece of legislation which understands the cause of this crisis is not just one thing—it is a multipronged problem which is causing oil prices to soar, and we will not solve this crisis through one simple action. We need a series of actions, but we have to bring our solutions together in a comprehensive package which says to the American people if that package is passed, oil and gas prices are going down. That is what we need to do.

I have been working with a number of my colleagues in order to do that. Let me briefly talk about what I believe should be in that package. It is about four provisions that could play a

major role in lowering gas prices today. First, we need to impose an excise tax on the profits of the oil and gas industry. The American people simply do not understand why they are paying record-breaking prices at the pump while ExxonMobil has made more profits than any company in history in the last 2 years. Last year alone, ExxonMobil made \$40 billion in profits, and they rewarded their CEO with a \$21 million package in total compensation. A couple of years ago, they rewarded their former CEO, Lee Raymond, with a retirement package of \$400 million. But it is not ExxonMobil alone. We have seen BP come in the other day with a 63-percent increase in their profits. Shell made a huge increase in their profits.

Since President Bush has been President, the five largest oil companies have made over \$595 billion in profits, and that number is only going to go up as the oil companies report last quarter's profits. Last year alone, the major oil companies made over \$155 billion in profits. People are sitting at home saying: I can't afford to fill up my gas tank to go to work, and ExxonMobil and Conoco and Shell, all the big oil companies, are making huge profits. What is the Congress doing about it?

Well, up to now, the truth is, the Congress is doing nothing about it. Obviously, the President is not doing anything about it. But I think most people understand the President and Vice President are never going to do anything to represent the interests of ordinary Americans. The question is, what do we do about it? The time is now that we should move forward with an excise profits tax. If we enacted a 23-percent excise tax on oil company profits, that would bring in about \$35 billion this year. That sum of money would be enough to provide a 6-month suspension in Federal gas and diesel taxes and would also allow States to suspend all or part of their gas and diesel taxes as well. In other words, we are not just talking about Federal taxes; we are talking about State taxes. That would lower gas prices at the pump by almost 37 cents a gallon and up to 48.8 cents for diesel during the next 6 months. Is that going to solve all of the problems? No. But if you can't afford to get to work right now, it will help. Having an excise profits tax on the oil companies is only one of the things we should be doing.

Congress has to also address another area where there is strong evidence that speculators, both in hedge funds and in other financial institutions, are driving the price of oil to outrageously high levels. What we have to address is undoing the so-called Enron loophole. This loophole was created in 2000, as part of the Commodities Futures Modernization Act. At the behest of Enron lobbyists, a provision in that bill was inserted in the dark of night with no congressional hearings. Specifically, the Enron loophole exempts electronic

energy trading from Federal commodities laws. Virtually overnight the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation. Of course, nobody knows exactly what the impact of the Enron loophole is. But we do know huge amounts of money are being made, not simply in the production of oil but in driving oil futures prices up.

Let me quote Stephen Simon, a senior vice president of ExxonMobil, on April 1, 2008, in recent testimony before the House:

The price of oil should be about \$50 to \$55 per barrel.

Right now it is more than double that. He attributes the addition, the almost doubling of the price, to speculation that is taking place.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation. I applaud Senators LEVIN, FEINSTEIN, DORGAN, and others who have focused on this issue. In addition to an excise profits tax on the oil companies, we must go after the speculation on the part of people within hedge funds and in the financial institutions industry who are simply playing games, making money, and driving the price of oil up. Those are two important steps we must take to lower the price of gas and oil.

Thirdly, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and, in fact, release oil from this Federal stockpile. At a time of record-breaking prices, it makes no sense to continue to take oil off the market and put it into the Strategic Petroleum Reserve. This is not just my opinion. We have seen staff at the Strategic Petroleum Reserve recommend against buying more oil for the SPR in the spring of 2002. This is not a new idea. The truth is, this is an idea that has been used before under Democratic and Republican administrations. For example, when President Clinton ordered the release of 30 million barrels of crude oil from the SPR in 2000, the price of gas fell by 14 cents a gallon in 2 weeks. When the first President Bush released 13 million barrels of crude oil from SPR in 1991, crude oil prices dropped by over \$10 a barrel. This is an approach which has been used in the past. It has worked in the past, and it is something we should do right now. That is the third provision I believe we should undertake.

Further, and in terms of where I think the comprehensive package should be, we must begin to address the OPEC cartel. I hear a lot of folks around here talk about the wonders of the free market and capitalism and free enterprise. But every single Member of the Senate understands that by definition, OPEC is a cartel. That is what they are. They are a group of oil-producing nations that come together

to control oil production, to limit oil production, and, therefore, to artificially raise the price of oil. That is what a cartel is, and that is what OPEC is doing.

In that regard, we have to do two things. No. 1, the President must file a complaint with the World Trade Organization. The truth is, OPEC itself is a violation of the rules of the WTO which is presumably about creating the free flow of goods and free trade. On the surface, OPEC is in violation of those rules and agreements. The second thing we must do is to tell people in Saudi Arabia, Kuwait, people whom American soldiers died for in 1991, when Saddam Hussein invaded Kuwait: Friendship is a two-way street. We protected you in 1991. Now the United States economy and much of the world's economy is in serious trouble. What you, Saudi Arabia, have to do is increase the production of oil.

My understanding is that right now Saudi Arabia is producing less oil than they did 2 years ago. There are experts who believe Saudi Arabia can produce almost 2 million barrels a day of oil more than they are currently producing.

So that is where we are. Where we are right now is, we have a national crisis. We have working people suffering and wondering about how they are going to be able to afford to get to work or keep warm in the wintertime, at the same time as oil companies are enjoying recordbreaking profits, and at the same time as speculators are making billions and billions of dollars in profits.

Now, it is no secret—everybody knows—that the oil and gas industry is enormously powerful. Everybody understands these people have spent hundreds of millions of dollars in the last 10 years on lobbying, and we know their lobbyists are hard at work at this very moment. We know those people have contributed hundreds of millions of dollars in campaign contributions. That is the reality and that is the American political system. That is the way it is. It is a system we have to change, but that is the way it is.

I think the time is now for the Congress and for the Senate to begin to stand up to these very powerful special interests. I think we need a comprehensive energy approach, and I have outlined it. I think we need a long-term approach moving away from fossil fuels to sustainable energy. I think we need a short-term approach, and I have outlined the four provisions I believe should be in it.

Let me conclude by saying this: The crisis we are facing as a nation is not just an energy crisis. It is a crisis as to whether the American people have faith in their own Government, in the people they elect. It is no secret that the President's approval ratings are perhaps as low as any President in American history, and the approval ratings of this Congress are even lower. That is the simple reality.

We are a democratic society. When people have problems, they look to their elected officials to respond to those problems and, hopefully, to address them. If we cannot do that, I am not quite sure why we are here. If the oil companies and the gas companies are so powerful with all of their money and their lobbyists and their campaign contributions that we cannot address the crisis facing working Americans, well, maybe we should rethink about what we do here.

But I think we can do something, and I have outlined what I think is a series of ideas that, if passed, would address, in a very significant way, this crisis. I look forward to working with my colleagues to do just that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### FORECLOSURE CRISIS

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, as I come to the floor to speak this afternoon, millions of Americans are struggling to hold on to their homes in the wake of the foreclosure crisis. Thousands of them have lost their jobs, just in the last couple of months. Millions more are finding it harder just to get by because sky-high oil prices are forcing many of our families to pay more at the pump, more at the grocery store, and more in their power bills.

Yet while all of these working families are scrimping so hard today, the economic downturn has not even registered for one segment of America—big oil. The major oil companies reported their profits this week, and they are seeing record increases.

ConocoPhillips reported first quarter profits of \$4.1 billion. That beats their previous record by \$600 million. Shell and BP are also reporting huge gains.

Americans do not have to look very hard to figure out where the responsibility lies—why oil companies are seeing their profits soar—while working families are watching their bank accounts bottom out. Over the last 7½ years, Republicans have backed an energy policy that does very little but gives big oil companies tax breaks and special favors. Meanwhile, our middle-class families today are paying the price, and they know it.

In the first month of the Bush administration, oil prices averaged \$29.50 a barrel. Almost 8 years later, that price has quadrupled. It is almost \$120 a barrel this week.

When President Bush first took office, Americans were paying just \$1.46 a gallon to fill their gas tanks. Last week, gas prices averaged a whopping \$3.60 a gallon.

I went home last week—like I always do—to Washington State, where drivers are paying even more. A gallon of gas in Seattle, WA, costs \$3.70; up in Bellingham, near the Canadian border, \$3.80.

Families across my State are telling me they are cutting back on everything from shopping errands to summer vacations, and they are pretty angry they have to pinch their pennies while oil companies are making record profits.

When I travel around my State, gas prices are one of the first things people come up and talk to me about. They have written me countless letters about this.

For example, there is a stay-at-home mom from Yakima, WA, who wrote me that she worries every single day because her husband now has started riding a motorcycle to work instead of his car in order to save money on their gas bill. She wrote to me, and I want to read to you what she said. She said:

It is unnerving to think of him riding his motorcycle after working a 10-plus hour shift. . . . It does not seem fair that my middle class family has to choose between paying the doctor—or putting gas in [our] car—while oil companies are making record profits.

High gas prices are not just affecting our drivers. Industries from shipping to trucking to commercial fishing in my State are all hurting. Our farmers in Washington State are especially concerned. We have thousands of farmers in Washington State. They grow everything from apples to wheat. They have to plow their fields and harvest their crops. Cutting back is not an option for them. They have no choice but to absorb the cost of fuel.

One woman—from the southern Washington farming community of Goldendale—just wrote to me that she and her husband are finding it hard to pay for groceries. I want to quote what she said:

We, the little people, are struggling. Meanwhile, the gas companies are still netting billions. When is it going to stop? Something needs to be done to stop the nonsense.

That is how a farmer's wife from southwest Washington sees it.

Republicans have supported the energy policy of tax breaks for the oil companies because, they say, oil prices would be higher without them. But even President Bush said that was not true. In April of 2006, he said:

Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures—or the use of taxpayers' monies to subsidize energy companies' research into deep-water drilling.

That was President Bush.

The reality is, not only have Republicans allowed oil companies to make record profits while gas prices have soared, but their policies have made us

more dependent on foreign oil than ever before. That has put our economy and our national security at risk. The amount of money we have sent to OPEC countries, such as Saudi Arabia, has skyrocketed from \$41 billion to \$140 billion since 2001. Just this week, the president of OPEC said oil prices could go as high as \$200 a barrel.

Now, I come to the floor to talk about this today because over the last several days we have seen a parade of Republican Senators coming to the floor complaining about high gas prices. In many cases, they have been blaming Democrats for failing to address this crisis over the past 16 months. They are bringing out charts that show the price of gas when Democrats took over in Congress and the price now, and they ask all of us to simply forget the real reason for this crisis; that is, the misguided energy policy this administration has pursued for over 6 years.

But I have to tell you, the people in my State and the American people are not going to forget. They are not going to forget it was this administration that asked oil and gas companies to write that energy plan. They are not going to forget that the only real idea coming from the other side is to drill our way out of this problem. And they will not forget this is an administration closer to the oil and gas industry than any in U.S. history.

Now, we are not going to forget either, and that is why we are fighting for change. We have already won higher fuel economy standards and new investments in renewable energy sources. We all know we need to do more. We know that Americans cannot rely on big oil to solve our energy problems.

People in my home State of Washington are worried. They are worried about the future. They want to be sure their kids are going to have economic security. They want a solution to our energy problems that is going to keep us safe and protect our environment for the long term. Democrats have been fighting for policies that will help cut our gas prices, help to create jobs, and help keep our air and our water clean and, importantly, our Nation secure. We are going to keep up that fight. We know it is not going to be easy. The oil companies and those who support them are not going to give up on the status quo. Still, I hope our friends on the other side of the aisle will see what I see when I go home: Americans have had enough. I hope they will join us in investing in America's future and putting our working families first again.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. KENNEDY are located in today's RECORD under "Morning Business.")

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

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask you to let me know when I have spoken for 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will advise.

#### ENERGY

Mr. SCHUMER. Mr. President, I rise today to address a serious issue and that is the dramatically rising cost of energy and its impact on American families. The problem with rising gas prices compounds the pain felt in the American economy. Today we learned the economy had stalled to a paltry .6-percent growth rate. If you factor out the highest 10 percent in income, the remaining 90 percent of Americans are clearly experiencing a recession. Only people at the very high end—the wealthiest, the best educated, by and large—are experiencing significant increases in income, and when you factor that out, everybody else is experiencing decreases in income. The vast majority of Americans are already in a recession, and they do not need any statistic to tell them that.

It is also obvious from today's data that the entire economy has stalled. The last time we had two significant quarters such as this, we were battling a recession in the 1990s. Americans are being squeezed at every possible pressure point—at the gas pump—I am going to talk about this issue later—the grocery store, by their mortgage company, and by their employers. Just because President Bush will not say the word does not mean Americans are not feeling like we are in a recession. If we look at income numbers for most Americans, that is absolutely true.

It is long past time for the President to work with the Congress to help get this economy and American families back on track. If President Bush simply gives speeches and brings out the same old saws, we know he does not want to work with us. He is simply trying to say: I am out here talking about this, but there is no real solution. Imagine, the solution to the oil crisis is ANWR, the Alaskan oil reserve, which has been defeated even in a Republican-controlled Congress, which would not produce a drop of oil for 10 years and would bring no relief to the American driver. But I guess it is bet-

ter than saying nothing, at least if you are the President of the United States.

With regular gasoline prices in States such as mine already over \$3.75 a gallon—over \$4 a gallon in many other States—and with the entire national average threatening to surpass \$4 a gallon this summer, it is no surprise Americans are outraged as they hear about record profits for both the big oil companies and OPEC. Sometimes I wonder if there is any difference because OPEC and the big oil companies are almost always in cahoots.

Gas prices are 63 cents higher than last year, more than double in the time since President Bush took office, and they show no intention of slowing down. Shockingly, our very own President responded with a surprise to a question at the end of February about the likelihood of \$4-a-gallon gasoline by saying:

That's interesting. I hadn't heard that.

Well, Mr. President, I hope you hear us now because gas is at \$4 a gallon already in many places in America, and it is only going higher. The only people who are happy about \$4-a-gallon gasoline are big oil companies and OPEC in the Middle East.

We know the reason prices keep going up, of course, is in good part, world demand is increasing. We know, too, in the long run, we will not be able to reverse this price increase if we do not have a real energy policy. In fact, we have had no energy policy since President Bush took office. If you think it is energy policy to say let the oil companies do what they want, you are sadly mistaken. That is why we have \$4-a-gallon gasoline.

This administration's energy policy is simply of, by, and for big oil and OPEC, of course, their partners, their buddies benefit. So in the long run, we need a comprehensive plan. We need conservation—that is the cheapest and easiest way to get lower prices—and we need new production of alternatives and also, in a reasonable and sound environmental way, new production of fossil fuels in America.

But we are also looking for some short-term ways to reduce the price of gasoline because even should we embark on a long-term energy policy that makes sense—and I am hopeful under the next administration, the new President, she or he, will make sure that happens—there are things we can at least attempt to do in the short term because people cannot wait 4, 5, 6 years to begin reducing the price. Even if tomorrow we were to implement a comprehensive policy, it would not be enough, it would not happen quickly enough.

So what can be done in the short term? One of the most important things that could be done quickly in the short term is to increase supply in existing reserves. The one country that has ample supply and has held back is our good "ally"—and I use that word in quotes—the Saudis. The Saudis should



begin to understand that their relationship with America is a two-way street. They want our weapons, they want our troops to provide them with protection, but then they rake us over the coals when it comes to the price of oil.

The Saudis and big oil are in cahoots, and this administration has coddled both of them for far too long. There is no better evidence of this cozy cooperation than BP and Shell reporting record earnings this week and ExxonMobil and others on deck to do the same.

The bottom line—the sad bottom line—is the whole Bush tax cut for middle-class families this year will line the pockets of OPEC. Let me repeat that. The whole Bush tax cut for middle-class families this year will line the pockets of OPEC. People will pay out more because of the increase in energy prices than they got back on any tax rebate. The stimulus checks we are all so proud people are receiving, the stimulus checks families will receive in the mail next month will, in all likelihood, go to paying eye-popping gas and grocery bills this summer and end up in the coffers of countries such as Saudi Arabia. Therefore, people will pay more for gasoline this year than they will receive from their stimulus checks. It is galling to think our stimulus checks will be lining the pockets of OPEC.

Yet despite all this, last week, Saudi Arabia's Oil Minister said there was no need to increase supplies by even one barrel of oil. However, as they are saying no, no, no to U.S. consumers, the Saudis are planning to double oil production for China.

Despite record billion-dollar profits, it seems the big oil producers, such as Saudi Arabia, the United Arab Emirates, and Kuwait, are willing to turn a blind eye to the supply demands and leave Americans with skyrocketing prices at the pump. In Saudi's case, they have not produced as much oil in the last 2 years as they did in 2005.

I urge my colleagues to take a look at this chart when they get a chance because it says it all. Here is Saudi oil production in 2005. It is lower in 2006 and lower still in 2007. This is not new production they have to explore for, this is not something where they have to change things around. They can order the new production and we could have millions of extra barrels of oil a day out there in the markets within a month or two, and the price would come down significantly.

The countries are putting profits straight into their pockets. So that is why I, along with four others of my colleagues, have demanded the Bush administration stipulate that Saudi Arabia, the United Arab Emirates, and Kuwait must increase their oil production or risk that Congress will block their lucrative arms deals while they stick it to American consumers at the gas pump.

The administration has proposed selling roughly \$14 billion in arms to gulf

countries that are members of OPEC, and it is clear to us that without pressure from this administration, oil prices will continue to rise as countries such as Saudi Arabia will continue to reap the reward of high prices.

It is terrible that this administration, after making the American taxpayer foot the bill for its war in Iraq, is now rewarding the very countries that are driving up the price of oil.

Congress has the authority to block these arms deals, and we want to put the administration on notice that if they fail to deal aggressively with OPEC countries that are not producing at their full capacity, we will seriously consider blocking this and other arms deals.

On their face, I question the merit of these deals, \$14 billion in arms, but it is particularly egregious when Americans are paying through the nose to put money in the pockets of the administration's friends in the Middle East. OPEC nations may have to protect themselves with these weapons systems, but American consumers and our economy also need protection from high oil prices, exacerbated by OPEC's stranglehold on supply.

The administration needs to use all the leverage it has to influence the OPEC cartel to stop manipulating the world's oil supply to its member nations.

Again, to those who say we cannot do anything in the short term to reduce prices, look again at this chart. Saudi production in 2005, Saudi production in 2006, Saudi production in the last full year we have numbers for, 2007, it is lower and lower. The Saudis have not kept the supply flat; they have decreased it at a time when the world is thirsty for oil.

At a time when the world is thirsty for oil, we know they are driving down supply, increasing the price. Yesterday, President Bush said there is not much you can do about the price of oil. Mr. President, we beg to differ. Get your buddy, the King of Saudi Arabia, to begin producing more oil. If they produce half a million more barrels of oil a day, the price would come down a very significant amount and at the same time it would stop the speculation that keeps driving up the price of oil. We would get a double benefit.

We need to ask ourselves what the economic consequences are for our Nation—not only from the long and expensive war in Iraq but from this administration's cozy relationship with the only international organization he seems to have any high regard for—OPEC.

I yield the floor.

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

Mrs. HUTCHISON. Mr. President, we have been talking about the Durbin-Hutchison amendment during most of the day. I have heard some of the debate going back and forth. I want to

address some of the issues raised in the debate, trying to stop our amendment from going forward.

First, let me say I so appreciate Senator DURBIN joining with me to make sure we have a bipartisan effort that stands for the companies that are trying desperately to keep their defined benefit plans for pensions for their employees.

These airlines that are doing this are doing it at the same time that the price of jet fuel has gone up exponentially. For instance, since January 2007, a little bit more than 1 year ago, the price of jet fuel has increased 107 percent. Continental Airlines' year-over-year increase in fuel costs is approaching \$2 billion. This year, American Airlines' fuel bill is going to be \$9.3 billion. Everybody who is driving an automobile to their job or to pick up their children from school knows how much it costs to fill up the tank of a car. Just multiply that for an airline whose entire business is flying back and forth across the country and across the globe. You can imagine what that does to the bottom line of a business.

Here we are, looking at actually three airlines that are trying to make their benefits the most generous they can be while they are looking at rising fuel prices that are about to sink them. They are all showing unprofitable months and quarters. Now we have legislation coming forward that would take away a law that was passed last year that attempted to equalize the airlines that have benefit plans that are defined benefits and plans that are defined contributions, which are 401(k)s. We want to keep the playing field as level as we can. If you put on top of that the fact that the timing of this could not be worse because of the rising fuel costs, it is just impossible to imagine that the Senate will do this.

The underlying provision, it has been suggested, would have no effect on the bottom line. Of course it is going to have an effect on the bottom line. It requires full funding of pension obligations, irrespective of past overfunding. In plain English, the carrier must come up with more cash, even if they have overpaid. According to one carrier, the new cash demand would be \$1 billion over the next 3 years. Where are we going to find that amount of cash?

Domestic fare increases are not even covering the rising cost of fuel. As compared to January 2007, the price of jet fuel was 65 percent higher and domestic average fares have risen 9 percent. You are beginning to see they are not going to be able to recover this at the fare box. But if we pass this legislation requiring one airline, instead of putting in \$80 million, to put in \$350 million, how is it going to offset those higher costs? There is only one way, and that is higher ticket prices. Are we going to pass a law that is going to raise ticket prices at a time when the airlines—and every American—are feeling the pinch of this economy? I cannot even imagine we would do that.

I have also heard it argued that the provision in the bill that we are trying to eliminate is fair. The truth is the current law is equitable and fair. Changing the current law in the manner suggested would treat two carriers differently from the other carriers that do not have defined benefit plans. We had the equity debate. The current law is the product of that debate. Ask the carriers if they think the current law is equitable. They will say yes.

The carriers that are not affected by this have told me they are agnostic on this issue. They are not pushing for a competitive advantage because I think all the carriers know that this is not the time that anybody wants to go into bankruptcy and they do not even want their competitors to go into bankruptcy because we can't handle the commerce in this country without a disruption.

We settled this debate. We settled it in 2006. It was undone. We settled it again in 2007. The law we passed must be adhered to because these businesses made decisions based on the law.

The employees of these airlines will be the biggest losers if this bill is allowed to stand with this provision in it. Senator DURBIN and I are trying to take this provision out to protect the employees and to, hopefully, keep the airlines from having a hit they cannot take right now.

I have heard the argument on this floor that the amendment we are putting forth would mean less money to employee pensions. It is exactly the opposite. The carriers that are hurt by this provision are trying to do the right thing by maintaining their pensions and providing their employees with strong retirement benefits. In fact, these impacted carriers have been prepaying their pension obligations in good years, showing their employees they are committed to these benefits. The excess contributions helped ensure that, in tough times, if cash becomes tight, the pensions of these hard-working employees are protected and funded. If the pension rules are changed to disallow the flexibility of using past excess contributions, they will actually discourage overfunding of pensions. The carriers will only provide the minimum contributions in order to preserve cash in difficult times.

Some have challenged this claim on the belief that cash contributed to pensions can be pulled out in tough times, so they wouldn't be in any way discouraged from overcontributing to pensions. But this is not true. Once cash is contributed to the pension plans, it cannot be taken out. In fact, that is one of the reasons the current law allows companies to offset ongoing pension costs with previous overfunding. If they couldn't do it, a company would never put extra cash into pension funds. Instead, they would put it in a bank account where they could get it out. In the end, a carrier would never contribute in excess to the plan because they just couldn't do it.

Employees are at risk with the underlying provision we are trying to take out. The cash demands this language places on the carrier trying to secure solid pension benefits for its employees will simply be too high. If we destabilize this environment, we could very well jeopardize the ability of these carriers to weather the current storm, and the outcome would be devastating to employees. Bankruptcy is not kind to employees. Ask any person who has worked for a company that has gone into bankruptcy. Whether it is their present livelihood or their pensions, the employees would lose. That is why they support striking this provision with our amendment.

The current pension laws for air carriers are fair and equitable. They do not need changes. They especially do not need changes retroactively, after they have made decisions to overfund pension plans based on the law as it is today. The change could lead to disastrous consequences for impacted carriers and especially for their employees.

Why would we take such a risk? We should be doing everything to help these companies during difficult operating environments, not destabilizing them, not giving advantages to some in the industry.

No one in the industry is asking for this. This is something that has come up seemingly because there were process arguments about what bill the fix went into. The bill that the fix went into was the only available bill where you could put an amendment, and the amendment had been given to all of the relevant committees, so they knew what we were trying to do. There was nothing hidden. There was nothing sudden. Everybody knew we were going to try to correct the inequities, as we have all negotiated at the table to do. If you ask any of the carriers I have spoken to, no one is asking for this to be retroactively fixed in a different way from the present law, a law that has been relied on.

The bottom line is some airlines have overfunded their pension obligations because they had cash and that is where they wanted to put it, to assure employees of a safe and sound pension system, more than the law required. American Airlines is 115 percent funded. But that was always done because, under the present law, you had the flexibility to just catch up with the current obligations with a credit for the overobligation as these airlines are working out their pension plans according to the law we passed last year and the year before.

I hope we can get a vote on the Durbin-Hutchison amendment. The members of the committee who have worked on this—the Commerce Committee, Senator ROCKEFELLER, the chairman of the Aviation Committee—have been very supportive of us having our bill, which we worked so hard in a bipartisan way to produce, which has such good effects for the aviation in-

dustry, not to be hobbled by an extraneous issue that has been put in by another committee that does not have the aviation jurisdiction but is a tax committee.

I hope we will keep the underlying bill, which is very solid. Senator ROCKEFELLER and I, Senator INOUE, and Senator STEVENS have worked very hard. We have a great bill. It is a bill that will fund more safety measures. It will put more inspectors in the FAA. It is a bill that has a passengers bill of rights—Senator BOXER has worked on this for a long time. It will assure that passengers who are stranded in a plane that cannot take off will have accommodations for comfort or they will be able to get off the airplane—something we have never had before.

It is a bill that will modernize the traffic control system so we will have more service in our country. This bill has so many good features. I hope we can pass the Durbin-Hutchison amendment that will keep the bill intact that was hammered out by the Commerce Committee and not have it taken down by a tax bill, most of which has nothing to do with aviation at all.

The aviation part of the bill is great. It is a good, solid compromise. But the pension and the extraneous provisions are going to sink this bill, and it will be a sad day for the consumers in the aviation system in this country if that happens.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia is recognized.

#### MISSION ACCOMPLISHED

Mr. BYRD. Mr. President, tomorrow we mark the fifth anniversary of the now infamous "Mission Accomplished" speech which was delivered by President Bush on the deck of the USS *Abraham Lincoln* on May 1, 2003.

Five years ago, I took issue with the President's choreographed political theatrics because I believed then that our military forces deserved to be treated with respect and dignity, and not used as stage props to embellish a Presidential speech.

The President's declaration of "Mission Accomplished" and the "end of major combat operations" proved wildly premature and dangerously naive. The complete lack of foresight and planning by the President for what lay ahead became tragically clear in short order. Our Nation continues to pay the price every single day. More than 97 percent of the more than 4,000 Americans killed in Iraq lost their lives after

the President's flashy declaration of victory.

Years from now, I expect that history books will feature the sorry "Mission Accomplished" episode as the epitome of this administration's reckless and arrogant foreign policy, which has reaped disastrous consequences for our Nation and the world. We have seen a President who is eager to use American troops for a political backdrop, yet who is seemingly indifferent when it comes to providing those same American troops with the equipment they need, quality health care, or a real plan for ending this terrible war.

President Bush has said that history will judge him on his decision to go to war in Iraq. I say that history is already delivering its verdict. It is evident in the strains of the long and multiple deployments that are wearing down our mighty military, and in the sufferings of the American people as they bury their fallen heroes. It is evident in the fear and distrust with which the rest of the world views us, and in the instability wracking the Middle East, Iraq, and Afghanistan as a result of the Bush policies.

President Bush has recklessly squandered more than 200 years of American leadership, American good will, and prosperity. If that is what he was aiming for when he took office, then he can claim "Mission Accomplished." That is his legacy. As we write the next chapter in our Nation's history, let us commit to building a new legacy that restores the promise of America, both at home and around the world.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Madam President, I wish to inform the Presiding Officer of a quandary. We have in front of us a bill which would come close to rescuing the aviation industry of the United States of America. It is a bill that the aviation industry supports. It is a bill that the general aviation community supports. But it is not supported by a couple of Senators, with their reasons, and we find ourselves, therefore, in a position not to be able to move forward in the short term. It is one of those situations when the more you wait, or the greater the disagreement, the more people dig in.

I wish to offer my feelings which are that in a big bill such as this, which I think would be the biggest policy bill this Congress has passed this year if we were to do it, there are always areas of disagreement. The trick is to work out those areas of disagreement. That is

what the floor of the Senate is for. That is what negotiations are for.

But I do want people to understand that in the interests of protecting certain prerogatives, protocols, our aviation industry as a whole is being ignored and thereby threatened. If we were to put up some purportedly helpful amendments, we have no idea at this point how they might turn out. So there are really a couple of people who control this entire situation. As long as they remain negative, there is very little we can do that we can count on turning into success.

The aviation industry, just in my State, as I have explained a number of times, is a \$3.4 billion industry that employs 51,000 people. That is something almost nobody does in a State as small as West Virginia. But we have to work this through. Everybody can't come out an exact winner. If I were to line up one side versus another side, I think having an aviation industry, giving them the confidence to go forward, the passing of this bill would be like an increase in their bond rating, certainly psychologically, and it would give them the confidence that we are trying to do the right thing by them.

In doing that, we have held all of the commercial aviation airlines harmless so they will not have to pay any more fuel tax than they do today, which is about \$10.7 billion, and adding a small portion of fuel tax on to the general aviation industry so they would be paying about a billion dollars.

We found a mechanism, being clever but correct, to actually raise \$400 million a year for the life of this bill. Of course, there would have to be other bills to get us on our way to building a \$20 billion to \$30 billion to \$40 billion air traffic control system which is sufficient for the needs of the aviation industry. I know the Presiding Officer has an amendment which I would support, and there are others who have—they just don't want to—I don't know how to put it, but they just don't want to lose their position in all of this.

So the question is, What do we do? I am just here to report that we are hard at work. Everybody is working feverishly in back rooms—that is in a good sense—the Democratic and Republican cloakrooms. Senator HUTCHISON and I are in precise agreement on all of this, and it is a bipartisan bill. It has enormous consequences to the economy of America, to the passengers who are held hostage by delays and maintenance problems. Sixty-eight rural States have had airports entirely removed from service which were previously served. It is very painful if you are from a rural State. It sort of defines the meaning of being cut off from the rest of the world. That is not important to some people, but it is very important to those of us who come from a rural State, and to be quite frank, every one of us comes from a rural State in some part.

So what I am saying is, the stakes are extraordinarily high. It is, in my

judgment, and on a bipartisan basis, an amazingly one-sided case. You protect your legacies; that is, your commercial airlines, you get the support of the general aviation community which has an enormous number of airplanes with millions more to come, and you get the financing to start on an air traffic control system which is behind that of, as I have said today several times, Mongolia. Landing aircraft by ground radio and x-rays is not really the way to run a safe system. We have had so many close collisions that have been averted only at the last moment by air traffic control folks and very quick-witted pilots. Hundreds and hundreds of deaths could have easily resulted.

So I think it is a choice of the people doing the negotiating or the people who want to block the people who are doing the negotiating to think in very clear terms about what is important. Is it pride? Is it the future of the aviation industry? We haven't passed any bills in Congress on our side, and this would be a major accomplishment. But that is not important. The importance is it would save an aviation industry, and they believe that because the bill carries on for a number of years. They would begin to get their safe landing system.

So people must be wondering what is going on, and I just wanted to report that people are at work, hopefully in good faith, trying to get a parliamentary situation or an amendment situation or whatever that works our way through this crisis.

In the meantime, we are on hold. I wanted to make that report to the Senate.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, our Nation depends on our system of air travel to do business, to visit family and friends, to connect us with the world. We depend on the Federal Government to keep an eye on that system and to make sure air travel is as safe as humanly possible. But over the last 7 years, the American people's trust in the Federal Aviation Administration has come crashing down. When we learned that the FAA had allowed hundreds of flights on planes with cracks in them, that was just the latest abuse of our trust.

It seems as if we are finding new regulatory problems in American aviation every day. With every new headline and every whistleblower who comes forward, we learn that something else has gone wrong—something that could inconvenience us, at best and, at worst, claim human lives. Meanwhile, the FAA is enveloped in a cloud of cynicism and neglect. Whether we are

talking about managing delays, maintaining safety, or managing its employee relations, the FAA has constantly let us all down and put us all at risk.

Last month, we found out that Southwest Airlines was allowing dozens of planes to take off without inspection. We found out American Airlines was flying planes for weeks that had potentially dangerous wiring problems. When the news got out, thousands of Americans saw their flights canceled while airlines scrambled to comply with safety guidelines they should have been following all along.

Why did it take so long for the FAA to notice?

A few weeks ago, one FAA employee testified before Congress that when he found out these planes were flying with cracks and complained about it, Southwest contacted the FAA, and he was removed—removed—from his role of overseeing the airline. Other employees who complained were encouraged to transfer or removed from their posts.

Now, what is the FAA—the Federal Aviation Administration—supposed to be doing? Job 1, it seems to me, is to ensure the safety of the flying public. I know they have this dual mission. I have always wondered about that dual mission of safety and promoting the industry—the other mission. But safety is job 1—job 1.

When they take employees who come forward and say: Look, there are cracks, maybe we should not let this airplane take off, or a series of airplanes take off, and because the company objects, it gets them hauled off of the job, or when others come forth and they are told: Well, maybe you should consider transferring, it simply undermines the very essence of what is job 1. The message that was sent is: If you are an inspector, don't do your job too well or you will lose it.

Those are not the only safety concerns. The people of my home State of New Jersey have reason to be worried about safety at our airports. We just learned that Teterboro Airport, which is one of the small but one of the busiest airports we have in the region, has one of the highest numbers of near-misses in the country. A few months ago, at Newark Airport, two planes came within seconds of crashing into each other. There was a similar incident in December and three near-misses last May. How many serious close calls do we have to live through before the FAA takes this problem seriously?

Not only is the FAA failing to do due diligence on behalf of the people in the air, they have risked the well-being of people on the ground as well.

A while back, the FAA decided to redesign the airspace around some New Jersey, New York, and Pennsylvania airports. Now, I have been a big supporter of airspace redesign since when I was first in the House on the Transportation Committee. We live in the most congested airspace in the Nation. We

are in somewhat of a straitjacket. But the redesign should have been done in such a way that not only did we do something about delays, which this redesign does not do very much about, but it should not have the pounding decibels of noise upon communities that this new redesign does.

They decided to change the flightpaths—and it is fair to do that every now and then—but they forgot one thing: They forgot to listen to the people who are going to be flown over. When they rearranged the flightpaths, the FAA simply did not account for air noise and how it affects people's lives. I am not talking about simply being bothered by a little noise. I am talking about the pounding and pounding and pounding of decibel levels that actually affect hearing.

Some of the communities have populations that are least likely to be able to be in a position to do something about it. They forgot about people such as Ray Bennett, who lives in Westville, NJ. He has lived there for nearly 40 years. In all those years, he could not remember a single plane flying directly overhead, especially at low altitudes. Now, since the FAA rushed to implement this plan, not only is there noise, but it is noise that causes his windows to vibrate and keeps him up at night. Imagine that. In the comfort of your own home, in a place where you should be able to find your own peace and quiet with your family, one day the Government decides to turn the volume level way up by running jet planes over your house regularly. Ray was seriously thought about moving out of his home, and it is hard to blame him. This is not a case of one or two isolated households. Planes are now flying directly over the center of the city of Elizabeth, NJ, affecting tens of thousands of people.

The effects go beyond annoyance. It can cost people money by reducing property values. In the midst of a nationwide housing crisis, in a time when far too many New Jerseyans are facing foreclosure, skyrocketing electricity and home heating costs, and the specter of \$4 per gallon gasoline, the last thing they need is for air noise to bring down their property values.

It is almost no wonder that we are seeing this agency become so out of touch, considering how toxic the working environment there has been. In addition to the FAA's questionable safety record, there is also the issue of its hostile relationship with its own employees. Experienced air traffic controllers are leaving their jobs at an alarming rate, and the FAA is struggling to attract, train, and keep new ones. But instead of trying to work with the unions to try to finally implement a contract, they fan the flames by publicly suggesting that if the controllers do not like working for the FAA, they should reconsider their line of work. With this kind of working environment, it is no wonder we have a shortage of experienced controllers working to keep our skies safe.

We are talking about increasingly—and I fly, obviously, quite a bit, certainly to my home State of New Jersey through Newark International. But in the whole region, and across the country, where we have controllers—trainees, I should say. They are still not fully controllers. It takes about 5 years to fully train a controller. Trainees can only do part of the segment necessary, whether it be on takeoffs, whether it be on landings, or whether it be about controlling the airspace, as delays take place and aircraft are made to be put in holding patterns.

So imagine you and your family are up in an airplane and you are dealing with, increasingly, individuals who do not have the full certification to do all of these elements together, which is what we would like to see—for them to have the expertise. Because we can spend all the money in the world—and I appreciate the bill does move us forward in modernization and technology, and that is critically important—but at the end of the day, we can have the best technology in the world, but if, in fact, we do not have the human capital to make that technology work successfully, then, in fact, we have failed. That human capital happens to be the air traffic controllers. At the end of the day, all the technology in the world will be used by those individuals. Human capital in this regard is incredibly important. The FAA has disdain for them. I believe they are the critical nexus to the safety of the flying public. So you are seeing a system that is on a path to becoming slower and less safe because experienced personnel are colliding with management.

When you have problems that are so widespread and an institutional culture that shows no sense of urgency, it is not just about one employee or another, it is about a lack of leadership. That is why Senator LAUTENBERG, my colleague from New Jersey, and I have placed a hold on the nomination of Robert Sturgell as the FAA Administrator, and we will continue the hold until the FAA truly addresses these and other concerns.

We have no choice but to use every tool at our disposal to make this unresponsive bureaucracy do what is right for the well-being of the American public. If the public's concerns are not being addressed at the FAA, we will have to make sure they are addressed in Congress.

Which brings me to this bill. We have an opportunity—and I salute Senator ROCKEFELLER and the members of the Commerce Committee who have worked with him to bring this bill to the floor—we have a tremendous opportunity with this authorization bill to set some things right.

This bill makes smart investments to make air traffic safer. It upgrades our aging airport infrastructure.

The bill improves the oversight of airlines and the FAA. This legislation makes great strides in making air travel safer not only in the skies, but on the runways.

But I also believe the base bill can have some improvements, so at the appropriate time—I want to talk about a few of them now—I will be offering some amendments to it. The first is to strengthen the provision with reference to the revolving door between the FAA and the airline industry and end the cozy relationship between safety inspectors and the airline industry. We have to have faith and confidence in the people who are critical to making sure that when we fly, we are flying in airplanes that are as safe as safe can be; that they are not compromised. I appreciate what the committee did in the bill, but I think there are some elements of it that can be strengthened.

The second amendment will require the FAA to monitor the air noise impacts of the air space redesign and simply provide that data to the public. I don't even understand why the FAA has no intention—no intention whatsoever—of monitoring air noise as a result of the redesign. I think the public has a right to know what health consequences there are in that redesign, and that is a minimal—a minimal—amount of information and transparency that we should be allowing the flying public to have and the communities that are affected to know.

The third will help local communities coordinate with nearby airports to plan compatible land use and mitigate air noise and to receive grants from the FAA to do so. This is incredibly important. There are several communities, I am sure, across the Nation, but in our State in the city of Elizabeth, which is the third largest city in the State, it is pounded, pounded, pounded away—schools have actually held a press conference at one of the schools. I don't know how students learn at that school, because all you hear is one constant drone of jet noise. I can imagine a teacher in the classroom having to overcome that challenge day in and day out to keep the attention of the students. We should have the ability to make sure that in fact there is mitigation money for that noise, and we look forward to being able to offer that.

The last amendment we are considering is to address the growing problem of low fuel landings. We have had a whole host of low fuel landings at Newark International. That means you are sitting on an airplane and because the industry is trying to save money, they have less fuel in the aircraft and now, because you have been put in delays and holding patterns, it gets pretty low, maybe dangerously low. We want to know what is the level of that and what is the reporting of that so we can make judgments—and certainly so the FAA can make judgments—along the way. We think that is incredibly important.

Finally, one of the worst casualties of the Bush administration is how much trust the public has lost in their Government. We lost trust when the administration flew us into Iraq on the

wings of a lie. We lost trust when millions of dollars in tax breaks were given to those with million-dollar bank accounts while the middle class saw their economic situation get worse. And at the very least, at the very least, we should be able to trust our Government to keep us safe when we take to the skies. That is the core mission of the Federal Aviation Administration. It is time for them to put that mission ahead of the financial interests of the industry they regulate. It is time for them to put that mission and our safety first. This bill goes an enormous way to making that happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

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

#### ENERGY INDEPENDENCE

Mr. ALEXANDER. Madam President, in 1942 President Franklin D. Roosevelt summoned a bipartisan group of congressional leaders to the White House. He outlined with them a secret plan to win World War II. At the conclusion of the briefing, the President asked Kenneth McKellar of Tennessee, who chaired the Appropriations Committee in the Senate, if the Senator could hide \$2 billion in the appropriations bill for this project to win the war. Senator McKellar replied:

That will be no problem, Mr. President, but I have one question: Just where in Tennessee do you want me to hide the \$2 billion?

That place in Tennessee turned out to be Oak Ridge, one of the three secret cities, along with Hanford in Washington and Los Alamos in New Mexico, that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to end the war by finding a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's \$2 billion appropriation equaled \$24 billion in today's dollars.

Less than 3 years later, after that conversation between President Roosevelt and Senator McKellar, the project succeeded when on August 6 and 9, 1945, the first atomic bombs were dropped on Hiroshima and Nagasaki. On August 14, Japan surrendered unconditionally.

According to New York Times science reporter William Laurence, who watched the Nagasaki bombing:

Into its design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history.

On Friday, May 9, I will go to one of those secret cities—Oak Ridge—to propose that the United States launch a new Manhattan Project: A 5-year project to put America firmly on the path to clean energy independence. Instead of ending a war, the goal will be clean energy independence so we can deal with rising gasoline prices, elec-

tricity prices, clean air, climate change, and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence, I do not mean the United States would never buy oil from Mexico or from Canada or from Saudi Arabia. By independence I do mean the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. The overwhelming challenge in the Manhattan Project veteran George Cowan's words was:

the prospect of a Fascist world and the need to build a weapon so powerful that it would quickly guarantee victory.

Today, countries that supply oil and natural gas can blackmail the rest of the world. Today's need is to create clean energy independence to quickly guarantee victory over that kind of extortion.

Such a concentration of brain power directed toward an urgent national need is not a new idea, but it is a good idea, and it fits the goal of clean energy independence.

The Apollo project to send men to the Moon in the 1960s was a kind of Manhattan Project. Senator SUSAN COLLINS of Maine has suggested an energy independence by 2020 project, comparable to the goal of putting a man on the Moon. Others such as Senator KIT BOND of Missouri and Congressman RANDY FORBES of Virginia have suggested a Manhattan Project for clean energy or energy independence. As part of their ongoing Presidential campaigns, both Senator JOHN MCCAIN and Senator BARACK OBAMA have called for a Manhattan Project for new energy sources. Likewise, former House Speaker Newt Gingrich and Democratic National Committee Chairman Howard Dean have said a Manhattan Project-type program is needed to develop technologies to free us from oil dependence.

All throughout the 2 years of discussion that led to the passage by this Congress of the America COMPETES Act, several participants suggested that we should focus on energy—believing that solving the energy challenges would force the kind of investments in the physical sciences and research and teaching that the America COMPETES Act seeks to encourage.

The Manhattan Project in 1942 was in response to an overwhelming challenge: the prospect that Germany would build a bomb and win the war before America did.

In his address on Monday to the annual meeting of the National Academy of Sciences, Academy President Ralph Cicerone described today's overwhelming challenge, and that is the need to discover ways to satisfy the human demand and use of energy in an

environmentally satisfactory and affordable way so we are not overly dependent on overseas sources. According to Cicerone, this year Americans will pay nearly \$500 billion overseas for oil—that is \$1,600 for each one of us—some of it to nations that are hostile to us or even trying to kill us by bankrolling terrorists. That weakens our dollar. It is half our trade deficit. It forces gasoline prices toward \$4 a gallon, and it is crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80 percent of that energy, humans would inject as much CO<sub>2</sub> into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. We have plenty of coal to help achieve our energy independence, but we have no commercial way yet to capture the carbon from the coal, and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

So instead of finding a way to build a bomb to win a war, the new goal would be to find ways to help our country, which consumes 25 percent of all the energy in the world, to achieve clean energy independence, and to do it at a price the family budget can afford, with the hope that the rest of the world will follow our lead.

In addition to the need to meet an overwhelming challenge, other characteristics of the Manhattan Project are suited to the challenge of a new Manhattan Project. First, it will require what Harris Mayer has called meta-engineering. Next, it needs to proceed as fast as possible along several tracks to reach the goal.

According to Don Gillespie, a young engineer in Los Alamos during World War II:

The entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion.

Next, it needs Presidential focus and it needs bipartisan support in Congress. It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project. A new Manhattan Project needs to put aside old biases and subsidies and instead break the mold. As Dr. J. Robert Oppenheimer said in a speech to Los Alamos scientists in November of 1945 about the atomic bomb, the challenge of clean energy independence is “too revolutionary to consider in the framework of old ideas.”

Most important, in the words of George Cowan as reported in a book on the Manhattan Project edited by Cynthia C. Kelly:

The first Manhattan Project wouldn't have come into existence at all without initial concepts that were spelled out by a small number of extraordinary people. . . . The Manhattan Project model starts with a small, diverse group of great minds.

As I said to the various National Academies when we first asked for their help in the American competitiveness project in 2005:

In Washington, DC, most ideas fail for lack of the idea. We need ideas from the best minds we have.

I said it then about American competitiveness, and I say it now about clean energy independence.

I addressed a meeting earlier this week of about 500 men and women from all over America who were here to encourage the Congress to fully fund the America COMPETES Act that we passed into law in 2007. The President has asked for an 18-percent increase in funding for the Department of Energy's Office of Science, which is the money for our national laboratories. He has asked for a 13-percent increase in funding for the National Science Foundation. Both of those would put us on the road to doubling funding for the physical sciences so we can keep our brain power advantage so we can keep our jobs from going overseas.

That was the recommendation of the small, diverse group of great minds whom we asked 3 years ago to tell us what we need to do to keep our brain power advantage. Most of the speakers at that meeting this week were talking about the need to come persuade the Senator from New York or the Senator from Tennessee or the Senator from some other State to fully fund the America COMPETES Act.

I see the Senator from New York here. He was very active in that legislation, especially with a project from New York that helped focus on better ways of teaching mathematics to young people. Almost all of us here have felt some sense of ownership of the America COMPETES legislation: The majority leader and the minority leader were the principal sponsors, and 70 of us cosponsored it. So we saw the need for it. Now we need to apply even more focus and discipline on a different goal, which is clean energy independence. That is why I am going to Oak Ridge on May 9 to propose a second Manhattan Project for clean energy independence.

I believe the work we did during the America COMPETES Act over the last 3 years has important lessons for how we solve the energy challenge.

Let's remember how America COMPETES happened. Three years ago, in May of 2005, a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to keep America's brain power advantage. Basically, we were asking for the antidote to the problems set out in Tom Friedman's book, “The World is Flat.”

By October 2005, the academies had assembled what might be called a “small diverse group of great minds,” chaired by Norm Augustine, a member of the Academy of Engineering, which presented to the Congress and the President 20 specific recommendations in a report called “Rising Above the Gathering Storm.”

We worked with the Bush administration in a number of “homework sessions” to refine the proposals, and we considered a number of other very good proposals by different competitiveness commissions.

Then, in January of 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research for the physical sciences and engineering, and he included money to do that in his budgets that he proposed 2 years ago, 1 year ago, and this year.

As I mentioned earlier, the Republican and Democratic leaders of the Senate became the principal sponsors of the legislation. That didn't change even when the Senate changed from Republican to Democrat.

Last week, I telephoned Ralph Cicerone, the president of the National Academy of Sciences. I told him about my proposed May 9 Oak Ridge speech. He told me about an address he made this past Monday before the annual meeting of the National Academy of Sciences on America's energy future. That study will be completed in 2010.

Mr. President, I ask unanimous consent that, following my remarks, the remarks of Ralph Cicerone be printed in the RECORD from the 145th annual meeting of the Academy of Sciences on Monday.

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

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, I told Dr. Cicerone that what I will be proposing at Oak Ridge will require more specific and quicker action than what the National Academies already have underway. I hope that within the next few weeks, a bipartisan group of us from the Congress could meet with the National Academies and see what concrete proposals we might offer the new President and the new Congress, and that we complete that work this year.

Democrat BART GORDON, a Congressman from Tennessee and chairman of the Science Committee in the House of Representatives, was—along with Senator BINGAMAN, myself, and then-Congressman Sherwood Boehlert—one of the four original signers of the 2005 request to the National Academies that led to the America COMPETES Act. Congressman GORDON will join me in Oak Ridge on May 9, and he will address those who are there about clean energy independence. Also there—and cohost for the meeting, along with the Director of the Oak Ridge National Laboratory—will be Congressman ZACH WAMP, a senior Member of the House Appropriations Committee in whose district we will be. I have talked this week with our leaders in the Senate on energy, Senator BINGAMAN and Senator DOMENICI—both of New Mexico—who have played such a large role in the America COMPETES Act over the last 3 years. I talked with Senator MURKOWSKI, who likely will succeed Senator DOMENICI as the senior Republican

on the Energy Committee when Senator DOMENICI retires at the end of this year.

I know this is a Presidential election year. I have no illusions about the difficulty of bipartisan congressional action. But I also know that gasoline is nearing \$4, and that the electricity produced by America today is not clean enough for our country. I also know that, on our present course, we permit other countries in the world to whom we are paying \$500 billion a year the possibility of blackmailing us, or other countries, because of their ownership of oil assets. I believe now is the best possible time for Members of Congress and candidates for President of the United States to address the clean energy independence goal.

Let us compete to see who can come up with the best ideas and compare them with one another, knowing that in the end—especially in the Senate—it will take the kind of bipartisan cooperation we had with the America COMPETES Act to get a result. After all, the people didn't elect us to take a vacation this year just because there is a Presidential election.

This country of ours is a remarkable place. While enduring this economic slowdown, this year we will produce about 30 percent of all the wealth in the world for 5 percent of those of us who live here. We have 30 percent of the wealth in the world, but we are just 5 percent of all the people in the world.

Despite the "gathering storm" of concern about American competitiveness, no other country approaches our brain power advantage—the collection of research universities we have, the national laboratories we have, the private sector companies that exist in the United States. And this United States is still the only country where people can say with a straight face that anything is possible—and believe it.

These are precisely the ingredients America needs during the next 5 years to place ourselves firmly on a path to clean energy independence and, in doing so, we can make our jobs more secure, help balance the family budget, make our air cleaner and our planet safer and healthier, and lead the world to do the same by our example.

I yield the floor.

#### EXHIBIT 1

#### ENERGY CHALLENGES

(Presented to the 145th Annual Meeting of the National Academy of Sciences, Ralph J. Cicerone, President, Apr. 28, 2008)

As I stand before the members of the NAS, I feel as each of you would in my place—that it is a great honor and a rare opportunity to address you here in our historic NAS building. As you know, we are planning a major restoration of the building which will be discussed further in tomorrow's business meeting.

I want to recognize NAS Presidents-Emeritus Frank Press and Bruce Alberts who are here with us today. Each of them led the Academy with distinction and continues to represent us well.

The past year has been a very busy one, reflecting the importance of science and tech-

nology in contemporary society. One project, the revision and updating of our 1984 and 1999 booklets on science and creationism, was completed when the new booklet, *Science, Evolution and Creationism* was released in January. This project was initiated and supported by the NAS Council. For this third edition, we invited the Institute of Medicine to join the NAS.

The authoring committee is shown here. I ask each of the authors who is here today to stand.

Today I want to use the opportunity to draw your attention to a major issue of today, human demand for and usage of energy, a topic that has become progressively more serious, one that will take years to address and which requires scientific efforts of many kinds.

In the past fifty or sixty years there have been other transforming issues that have dominated national and international attention and which required science and technology for any successful outcome, but these earlier cases have not been numerous. One can recall the nuclear arms race, the polio outbreaks of the 1950's, and the very rapid increases of human populations of the 1950's and 1960's. Science made possible the cessation of nuclear weapons testing through demonstrated capability to detect the detonation of even relatively small weapons, while computational methods enabled stockpile stewardship. Similarly, through medical immunology, scientists came to understand the cause of polio and created preventive vaccines; and the Green Revolution made it possible to feed many more people. Two other major issues in which public attention was focused on science and technology were the launching of early Earth-orbiting satellites (and placing a man on the Moon), and the capabilities that emerged in the early 1970's from molecular biology for safe laboratory DNA-transfer experiments.

Now in 2008, we see that human demand and usage of energy is a pervasive issue. The issue has multiple dimensions and constraints. It is both national and worldwide. Enormous in scale, it will remain serious for the foreseeable future, and science and engineering are essential for progress.

#### MAIN POINTS

My main points today are:

Our energy-intensive way of life, population growth and worldwide economic progress combine to create large and growing demand for energy.

Our options to meet this large demand with types of energy now available to us are seriously constrained. We must assure access to energy and geopolitical security, overcome the financial impact of high costs, deal with climate change, other environmental impacts, nuclear safety and wastes. There is no simple single solution and some attractive options are mutually incompatible.

Science and technology and scientists are essential to meeting this pervasive challenge.

#### ENERGY USAGE AND DEMAND

The scale of human energy usage today is large and projections of future demands are even larger. Let me begin by outlining current energy usage in the United States.

We consume 100 Quadrillion BTU (one Quad is  $10^{15}$  BTU) per year as a nation, or  $3.3 \times 10^8$  BTU per person annually. There are many ways to disaggregate these figures. For example, we can examine end usage by economic sector or by function. One such cut reveals that 28 percent of U.S. energy usage is for transportation (burning gasoline, diesel and jet fuel) and 39 percent is used in buildings for lighting, heating, cooling, appliances and office equipment.

What are the sources of our primary energy? For the U.S., 85 percent comes from

the burning of fossil fuels: 23 percent from natural gas, 23 percent from coal and 40 percent from petroleum (using rounded numbers). Eight percent is derived from nuclear power and six percent from renewable sources like hydropower (3 percent), biomass (3 percent), geothermal sources, wind, and solar.

Two key factors are liquid fuels for transportation and coal burning to generate electricity. Slide 5 shows growth in U. S. imports and consumption of petroleum.

Net imports grew from 3 million barrels per day in 1970 and surpassed domestic "production" in 1996. Today, we import approximately twelve million barrels of oil daily, most of it for transportation, and we consume about six million barrels of oil more each day for running our automobiles and trucks than is produced (extracted, to be more precise) domestically.

A related figure is the fraction 41 percent of primary energy consumption that goes into producing electricity.

Annually, the U.S. consumes about 3800 billion kWh of electricity, with an average instantaneous consumption rate of 440 million kW, or 1.47 kW per person. Because of considerable inefficiency in the conversion of primary energy into electricity during generation and losses in its distribution, the electrical energy received by the end user is only about one-third of the primary energy invested in generating it.

Our electricity is generated in several ways but the major pathways are from coal burning (52 percent), nuclear power (20 percent), natural gas (19 percent) and renewable energy including hydropower (8.5 percent). While still small, electricity generated from wind power grew by over 25 percent compounded annually from 2001–2005.

Slide 7 shows world energy consumption 1970–2005 and projected usage to 2030, developed & developing countries. Worldwide energy consumption was about 447 quadrillion BTU in 2004. This figure grew from approximately 207 quadrillion BTU in 1970; it doubled in 30–32 years. World average energy consumption is approximately  $6.2 \times 10^7$  BTU/person, or only one-fifth as much as for Americans. The fraction of total world energy usage from fossil-fuel sources was about 87 percent in 2004, slightly higher than the corresponding U.S. figure. The fraction of world electricity from nuclear power was only six percent as opposed to eight percent in the U.S. although it is well known that France's electricity is generated primarily (70 percent) from nuclear power, and of course, there are other nations that employ no nuclear power at all. Recently, Germany has emerged as a world leader in capturing wind energy and in the manufacturing of photovoltaic cells for the direct conversion of sunlight to electricity, as is Japan.

World energy consumption is projected to grow to approximately 700 quadrillion BTU in 2030, another doubling from its early 1990's value. Much of this projected growth is likely to occur in developing, or emerging market countries, where there is great demand for energy usage per capita to grow, while slower growth is projected for mature market countries like those of advanced developed countries. One projection is for non-OECD countries (including China and India) to increase energy usage by over three percent annually, more than doubling between 2004 and 2030 while U.S. energy growth is projected to be one percent annually. This differential growth will continue trends observed from 1999–2005 when China and India increased their energy usage by 80 percent and 25 percent, respectively.

The dynamics and impacts of this differential growth are extremely important to analyze. For example, we must understand what

is driving this increased demand (electrification, pumping water for irrigation and for manufacturing and consumer uses, population growth . . .). We must also anticipate impacts on world prices and availability and on world geopolitics, environment and climate. A recent report from the Inter-Academy Council is a rich source of data on growing demand and strategies for satisfying it worldwide.

#### IMPACTS OF ENERGY USAGE AND CONSTRAINTS

For many years there have been concerns over the stability of energy supplies or the cost of energy or the consequences of too much dependence on overseas sources or over various environmental impacts. Now all of these concerns are operative at once and they are seen as long term as opposed to temporary.

For example, as U.S. consumption of petroleum, mostly for transportation, has grown, and costs have risen to over \$100 per barrel, the net flow of dollars to oil-exporting countries has ballooned to between \$450 to \$500 billion annually, as noted recently by former CIA Director James Woolsey. Let me note that even at the now past price of \$65 per barrel, 300 million Americans send \$1000 each overseas for oil annually. At our NAS/NAE energy symposium on March 14, former Secretary of Energy and Secretary of Defense James Schlesinger said that our dependence on foreign oil is allowing some hostile oil-exporting countries to accumulate dollars, resulting in diminished U.S. influence not only toward them but also with our allies. He stated that "we cannot ensure energy security, only mitigate energy insecurity".

Predicting future energy costs is perilous and certainly not a talent of mine. Personally, I did not predict that gasoline would cost \$3.5 to \$4 per gallon as it is now. However, there is general consensus that the era of low cost energy is over, largely due to increasing demand from developing countries. Thus, one can expect U.S. purchases of oil to continue and world prices to remain high enough to cause difficulties for poorer countries. Worldwide fleets of car and trucks demand oil as does the growing commercial airline sector. High costs of energy are being felt by individuals, families, businesses, universities, governments, and hospitals, for example. High energy costs are now beginning to be blamed for rising grain costs and food shortages in some countries.

The imperative for access to secure energy supplies prompts some regions and countries to turn to coal or to nuclear power. For example, the U.S., China, South Africa and India have substantial domestic coal supplies. Environmental and climatic impacts must be dealt with. Inadvertent emissions of soot, sulfur, nitrogen oxides and mercury, historical challenges which have been met in some selected regions, remain major problems elsewhere and due to the scale of coal usage, they are increasingly serious problems, as are deleterious effects of coal mining on land surfaces and ground water. In each of the last several years, a large number of coal-fired power plants have been built in China; total generating capacity from these plants has increased annually by approximately 95 Gwatts (adding approximately the entire capacity of France or Germany).

In recent years it has become clearer that the global climate is changing in response to increased atmospheric concentrations of carbon dioxide from fossil-fuel burning. Current atmospheric concentration of CO<sub>2</sub> is over 380 ppm, compared to a pre-industrial level of 280 ppm. Climate change is being observed in elevated air and sea temperatures, losses of ice, rising sea level and several other variables, and it is judged mostly due to green-

house gases, including carbon dioxide, from human activities. While some climate change can be accommodated, there is increasing evidence and concern that dangerous changes can also occur. "Dangerous" here is defined as irreversible changes such as sea-level rise and loss of biodiversity, and generally other physical variables whose rates of change exceed the rates at which we can adapt to them. Large or prolonged changes in regional water supplies can destabilize entire nations.

While it might be intuitive to guess that we could stabilize worldwide atmospheric carbon dioxide amounts by holding worldwide emissions constant, the natural uptake of atmospheric CO<sub>2</sub> by the global carbon cycle is only about 40 percent of current emissions; this figure has been derived by decades of research, much of it by NAS members. Current annual emissions are nearly seven billion tons of C as CO<sub>2</sub>. The eventual steady-state atmospheric concentration of CO<sub>2</sub> from current emissions would be over 650 ppm. Thus, a specified carbon constraint such as preventing atmospheric CO<sub>2</sub> from rising above say 450 parts per million, is difficult to satisfy: it would require reducing emissions by more than four billion tons (C) from current levels. Several examples show how difficult it will be. Reducing emissions by just one billion tons C per year would require a fleet of two billion cars to achieve 60 mpg instead of 30 mpg, or replacing 700 one GW coal-burning power plants with nuclear plants, or replacing coal-burning plants with one million 2 MWe (peak) wind turbines or 2,000 1-GWe (peak) photovoltaic power plants.

Instead, if worldwide energy usage continues to grow as projected and fossil fuels continue to supply over 80% of that energy, worldwide CO<sub>2</sub> emissions would grow to over ten B tons C annually by 2030, just 22 years from now. At such a rate of fossil-fuel burning, humans would inject as much CO<sub>2</sub> into the air from fossil-fuel burning between 2000 and 2030 as they did between 1850 and 2000.

In addition to climatic change from carbon dioxide, we expect the world's oceans to become acidified by the CO<sub>2</sub> added from the atmosphere. Research on the biological effects of this acidification is in its early stages and there are many questions surrounding the ability of calcifying marine organisms to make shells, for example.

The view that emerges is of a carbon-constrained world. Taking into account the fact that coal is relatively plentiful and that its supplies are secure within several large countries, and recognizing the carbon constraint gives rise to the need for research on carbon capture and storage (CCS) and to other means to tap into coal's energy without releasing CO<sub>2</sub> to the atmosphere and oceans.

Even if coal, for example with effective CCS, could be used even more intensively to generate electricity, one must realize that to use today's fleets of cars and trucks and airplanes, one requires liquid fuels, presumably from oil. While coal yields less energy per unit of CO<sub>2</sub> released, carbon constraints apply to oil and natural gas as well as to coal.

The constraints of energy supply, dependence on foreign sources and atmospheric carbon dioxide cause us to consider wider usage of nuclear power. Nuclear power plants, currently based on nuclear fission processes, offer several advantages in that their operation does not emit carbon dioxide nor are supplies of nuclear fuel thought to be seriously limited physically or immediately. Widespread utilization of nuclear power is limited instead by concerns over safety of operation and over waste handling, storage and disposal. Strongly related is the need to

prevent the misappropriation of nuclear wastes to produce nuclear weapons or conventional bombs spiked with radioactivity (dirty bombs). In addition, costs of electrical power from current nuclear plants exceed those for coal and from natural gas; capital costs of nuclear plants are much higher. These concerns have virtually stopped the building of new and replacement nuclear power plants in many countries since approximately 1980.

For nuclear power to satisfy large parts of current and future world demand for electrical energy would require the siting, construction and operation of large numbers of new and replacement nuclear power plants such as a tripling or quadrupling of the number of such plants now in service. Local limitations on volumes and temperatures of cooling water will tighten as tensions grow over water supplies and heat waves intensify. Even if successful, we would not have satisfied much of world demand for energy to drive transportation, now supplied by petroleum, with today's fleet of automobiles and trucks.

#### AGENDA FOR SCIENTISTS, THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL RESEARCH COUNCIL

The constraints placed on energy choices for the United States and for the world today can appear to be intractable. For example, large U.S. domestic coal reserves, much of our existing infrastructure and the goal of energy security all argue for more dependence on coal. However, we are pushed in the opposite direction by the pressing need to reduce CO<sub>2</sub> emissions to the atmosphere so as to limit climate change, and by several other environmental impacts including ocean acidification. In a democracy there are many different voices representing people with differing values and interests, such as protecting or advancing locally based industries, and also with differing weighting factors for addressing the various constraints.

All of these challenges place scientists and engineers in an essential position—we can:

- Perform research relevant to energy supplies and usage,

- Formulate and analyze options for decisionmakers,

- Inform the public about research and policy options,

- Advise and help government officials and business leaders,

- Develop scientific and engineering human resources.

We must address each of these needed roles with complementary skills. Along with creating specialized processes and strategies, we need big-picture synthesis. For example, achieving increased energy efficiency can relax all of these constraints but implementing this goal requires great attention to detail.

The NAS and the NAE, working through the NRC, are conducting a study, America's Energy Future, and it will be published in less than a year from now. This report will present objective, quantitative data and estimates of contributions to our energy supply from various energy technologies, including energy-efficiency technologies, along with their costs. Many NAS and NAE members and other experts are involved on this project. It is led by economist Harold Shapiro, President-emeritus of Princeton University (and an IOM member). This report will lay a foundation for much more work to follow on energy research, energy-policy options and worldwide cases. It is intended to provide what Benjamin Franklin aptly described as "useful knowledge" to individuals and groups in business and government and the general public as they consider how to transition to the energy trajectories that are needed.



We are also beginning a new suite of studies on climate change, focusing on how to benefit from and extend the scientific understanding of climate change and also how to mitigate it and adapt to it.

Scientific research, as always, offers possibilities for improvements in how we extract, convert, store, distribute and consume energy. Indeed, research can lead to major changes which could revolutionize our current systems and which could dodge some of the constraints that now bind us. Opportunities for this research to create new technologies with worldwide business potential are enormous.

There are numerous fascinating research topics in physical and biological sciences which could dramatically transform the energy landscape or which could at least improve our options. Photovoltaic devices based on new materials to convert sunlight into electricity and chemical means to convert sunlight into chemical fuels offer great opportunities. Photosynthesis-based designs are beginning to receive some attention. Energy-storage devices with high energy and power densities could enable much wider use of solar, wind and nuclear energy, for example, in electric-drive vehicles.

Alternative energy sources for transportation must match or overcome a large advantage of liquid hydrocarbons; the oxidizer for their combustion does not have to be carried along with the fuel. A major goal is to derive petroleum substitutes from plant matter other than food crops which would be approximately carbon-neutral. Microbiological processes enhanced by molecular biology comprise many potential advanced pathways toward creating liquid biofuels such as alcohols. In such advanced processes, efficient use of normally recalcitrant material like plant cellulose and lignins must be made. Progress from this laboratory-based biological research is needed to obtain higher biofuel yields which justify inputs of energy, fertilizer, water and land. These input/output ratios themselves and corresponding tradeoffs require research to clarify the value of this option.

Wider usage of nuclear power to generate much larger amounts of electricity could displace some fossil-fuel usage but it requires safe and efficient handling of wastes which in turn require secure geological and geochemical storage. Similarly, economical and safe waste-to-fuel reprocessing represent research and engineering challenges and opportunities, and some materials problems with reactors remain.

As has been the case for too many years, nuclear fusion remains a distant but tantalizing pathway toward plentiful energy, with almost no radioactive waste, but very difficult problems in confining high-temperature plasmas have impeded progress.

A host of other research frontiers must be explored, for example, can carbon dioxide be effectively captured and stored in geological reservoirs in amounts measured in tens of billions of tons and for centuries? Can transmission lines be vastly improved through superconductivity or by using direct current transmission instead of AC, with better system analysis and control? If so, solar and wind energy can be distributed in ways to match generation and demand time functions better.

Scientific research on climate change is essential to enable us to predict how climate will change in smaller geographical areas and shorter time intervals than is now possible so as to guide our efforts in mitigating the changes and in adapting to changes that do transpire. Economic science and social phenomena must be incorporated in this endeavor, and as is the case in all of the topics mentioned here, computational science has become essential.

In deciding how to deal with the constraints placed on us by U.S. and global energy usage, governments, businesses, NGO's and individuals want to know what options they have. An important role for us as individuals and through National Research Council committees is to help to formulate and analyze options that can illuminate the consequences of various proposed actions. This work can consist of focused analyses of specific energy sources or pathways and respective technologies, or on comparisons of many alternatives. Variables include physical, chemical and biological principles, costs, readiness for deployment, social acceptance and time frames. In many cases, those who will make decisions amongst the options will be political or business leaders who have little or no scientific background, so scientists' communications skills will be tested. In these interactions centered on formulation and analysis of options, scientists must be prepared to interact with such decisionmakers in iterative ways. It is likely that some overall pathways to a more secure, safe and robust energy strategy will involve short-term options in preparation for transitions to a longer term.

More broadly, scientists can inform the public about research prospects and goals and about policy options. The pervasive nature of our challenges with energy requires wide public awareness and consensus, and arriving at consensus will be challenging. Whether deciding how to locate solar collector arrays, nuclear power plants or wind farms or how to gauge the benefits of various biofuels or automobile fuel efficiency, and how to invest their own resources or public funds, people must appreciate the constraints and the goals to choose the best options and to avoid costly mistakes and ineffective actions. Scientists who are effective communicators should present public talks and/or help other scientists and journalists who are even more effective. In our NAS communications with the general public, we plan to emphasize energy topics in several ways.

We depend on many structures and institutions to govern us. Agencies of the U.S. Government which support science research, set standards, monitor and regulate trade, products and pollutants need qualified people to serve in them and they need external counsel through advisory committees, for example. Each of us should serve when invited, and we should prepare thoroughly for each assignment. Important roles in advising the government are carried out by the National Research Council. State and local governments have many significant energy issues in front of them so the need for scientific advice is even larger. Scientists can also help each other when one is called to advise.

Education of the current and future generations of students is a high priority. All of the needs listed above require an educated public to recognize our options, to understand their consequences, and to exploit opportunities. Students who will go on into business and government will have big roles just as future scientists will. We must develop human resources, both broadly and in specific scientific endeavors, from microbiology and molecular biology to nuclear science and engineering. Our university curricula for science and for non-science students must create awareness of challenges and opportunities surrounding energy usage, efficiency and related research. As always, research opportunities for students are especially important.

#### CONCLUSION

We must change the trajectories of our energy usage and energy sources. World peace, economic development for much of the

world, continuing prosperity for the developed countries and a stable climate require us to do so. To create and analyze options, and to educate and inform people about the work ahead, scientists and engineers are critical.

There is no single action or individual technology that will take us to this goal. (The glass(es) are partly filled and partly empty. The baseball is just for fun!)

Rather we must explore all sources and pathways and discover, invent and optimize in each case. While it might disappoint some people that there is no single pathway to success, a world in which many energy sources and solutions are integral to the whole will be more stable and less susceptible to disruption. Our enthusiasm and efforts must be broad as we seek to discover and disseminate useful knowledge.

A great deal of innovative and determined work is needed by scientists and engineers in the years ahead. It is our privilege and our responsibility to rise to these energy challenges. Let's get going; there is a lot of useful knowledge to be gained.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I welcome the bipartisan support for programs that will move us toward energy independence. I agree with my colleague from Tennessee that we need to do a Manhattan-type project, with the same type of commitment we made when putting a person on the Moon, to become energy independent. We have the technology. We know how to get it done. If we have the will, this Nation can do anything it wants to do.

I think there is a growing awareness among Members of this body, as well as on the other side of the Capitol, that we need to take immediate steps so this Nation can become energy independent. So I welcome the comments that have been made.

I come to the floor because the people of Maryland and throughout the Nation are hurting today. The most recent assault on their pocketbooks has been filling up their cars with gasoline. The costs are prohibitive for families—gasoline prices. Quite frankly, I think the administration is doing virtually nothing to help those who are trying to afford energy costs today—whether it is their electricity bills in their homes, or whether it is running the family automobile, or whether it is a business that requires them to use an automobile. This administration has done very little to help deal with the escalating costs of energy. Instead, they look for additional tax breaks for oil companies, or they want to extend tax cuts for millionaires. They don't come forward with energy policies that would try to make energy much more affordable.

I believe we need to have a strong energy legislation in this Congress. Let me give you some of the statistics that people in my State of Maryland are confronting on energy costs. Electricity rates went up 72 percent in 2007. Gasoline prices in Maryland are now \$3.49, on average, for regular gasoline, and \$3.80 for high test. That is a 150-percent increase since President Bush took office.

Let me try to translate this as to how it affects the average family in my State. When you take a look at what household costs have gone up, just for gasoline for your automobile, since President Bush took office, for a typical household it has increased \$2,731 for the people of Maryland. If that household has children, it is an increase of \$3,414 a year. If they have a teenager also operating a car, it has gone up over \$4,000. To me, that is a shocking increase in just 7 years on the cost of gasoline that we put into our automobiles.

I recently had a conversation with small business owners in Maryland. Sixty-two percent of small business owners use a vehicle in their business. They need automobiles. They have to fill these tanks with gasoline. The majority drive over 50 miles a day in their automobiles to operate their businesses. So the statistics show that small businesses—and all of us talk about helping small businesses—spend more than their competitors that are large companies on energy costs. It can cost up to three times as much for a small business person for their energy cost to deliver a product to the market than for larger companies. I am sure you are aware that small businesses don't have the same availability of capital in order to buy equipment or the same availability of capital in order to keep their businesses afloat. Many small business owners are mortgaging their homes in order to keep their businesses going. Many are using credit cards with the highest possible interest rates to keep afloat. Now they have additional energy costs. So, yes, we need to take action on the energy problem.

I must tell you that the first thing we need is a national energy policy. We have had bills that have been submitted on this floor. I appreciate my colleagues on both sides of the aisle coming forward in support of a national energy policy for energy independence. But if you remember when we voted on the renewable energy portfolio, we didn't seem to get the votes we needed from the Republican side of the aisle. It is time to take action on a national energy policy—one that will truly make this Nation energy independent—whether you call it a Manhattan-type project or an Apollo-type project, we can do it. We can do it by using less energy and by developing alternative and renewable energy sources. We can do it in a way that will be good for America.

We should not be dependent for oil upon any country halfway around the world, that disagrees with our policies. We have to eliminate our dependency on imported oil. We need to do that for the security of America. Our national security should come first. If for no other reason, we should do it for national security. Also, let's do it for the environment. I listened to my friend talk about green energy. We have a chance to do that. We have a bill in the

Environment and Public Works Committee that Senator BOXER provided tremendous leadership on, along with Senators LIEBERMAN and WARNER, that would cap our carbon emissions. That would energize our economy to produce green jobs and would help us to become energy independent. It would reduce greenhouse gases and would help our environment. We need to become energy independent because of our national security and because of our environment.

My friends who are talking about energy independence, we have a chance to move forward on that. Let's bring out the Lieberman-Warner legislation and move it on the floor. We are trying to do that, and if we had more help on the Republican side of the aisle, we could get that done this year and move toward energy independence.

There is a third reason we need an energy policy, and that is our economy. I don't need a clearer message about how important it is to be independent for our economy than to fill up my tank with gasoline. Go to any of your neighborhood gasoline stations and look at the price. We don't have control over our energy costs. If we were energy independent, we would. So we need an energy policy that is good for this Nation. We should not be financing other countries. That is what you do every time you fill up a tank with gas—financing other countries, and actually we are borrowing money to do that.

So we need a policy that is good for this Nation. What have the oil companies done to help us in this regard? They are doing quite well. We have businesses that are hurting. We are in a recession. We are not doing well in economic growth. But in the last year, the five major oil companies had profits of \$103 billion, and 2008 is going to be a better year than 2007 for the oil companies.

These are excessive profits. We need to do something about them. The administration says let's continue tax breaks for the oil companies; let's create some new ones. We should be using these tax breaks to develop alternative energy sources. That is what we should be doing to help the people in our communities. We should be using these tax breaks to generate green jobs. We can do that if we energize the American economy to develop the alternative technologies that can solve our energy crisis as well as our environmental challenges.

We need to use these tax breaks so we have less reliance on foreign energy sources—alternative fuels. I wish to underscore that we need to get this administration, if they are really serious about trying to make this Nation energy independent, to refocus the tools we are using. Every time we try to do that—we try to take these tax credits and target it to the alternative energy sources rather than just giving them to the oil companies—we get a veto threat from the President.

I can tell you, Mr. President, people in Maryland desperately need leadership on energy. They need immediate help. One of the suggestions that has been made that I think we should move forward—again, the President said he is not going to do this—is the Strategic Petroleum Reserve. It is 95 percent filled. Let me explain to my constituents what this is about. Our Government is in the market every day buying 70,000 gallons of oil to put in the Strategic Petroleum Reserve. As a result, the cost to the consumers in filling up their automobiles' tanks is higher. It is supply and demand. The Government is there every day first at the gas pumps taking 70,000 gallons of fuel that otherwise could be available for consumers, and with supply and demand, the more fuel we have available, the lower the cost will be. This is something we can do immediately to try to reduce the cost of gasoline to the people of this Nation.

We need immediate action. We need immediate action to help the middle-income families in America and the small businesses that are literally being strangled by the high cost of gasoline and the high cost of energy. They need immediate relief. They need an administration that is going to take action to make more supply available. If the administration does not, the Congress should take action to do that. The American people need us to take action for immediate relief. But they also understand we cannot continue decade after decade to be dependent on foreign energy sources. It is way past time that this Nation become energy independent. We can get there.

As I hear my colleagues speak on both sides of the aisle, let's come together for the sake of our Nation, for the sake of our national security, for the sake of our environment, for the sake of our economy, and let's act together to pass laws so at last America can become energy independent and control its own destiny, be a good citizen of the world on the environment, and do much better for the growth of our economy. I am convinced we can do this if we act together in the best interest of our country.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

TRIBUTE TO CHARLTON HESTON

Mr. CRAIG. Mr. President, over the last few weeks, I have taken note of the tributes that have been made about

a great American who passed away on April 5, 2008. That American is Charlton Heston. This Senate even joined in those tributes, and I was pleased to cosponsor a resolution offered by my colleague, Senator JIM DEMINT, officially honoring Mr. Heston's life and extending the sympathies of the Senate to the Heston family.

Charlton Heston's significance was more than his distinguished career as an actor. In his lifetime, he became undeniably an American icon. But there is an aspect of his life that has not received the attention that I believe it deserves—his truly admirable record of public service. That is why I rise this afternoon to comment about his contributions to our Nation.

This was not a man who only recited patriotic speeches; he put his words into action and put his reputation and career on the line for the causes he supported. This was especially true in an area that people seem to have forgotten: his work on civil rights.

Charlton Heston freely allowed his fame to be used to draw attention and support to the cause of civil rights, and he did so at a time when it wasn't the popular thing for Hollywood stars to do. In fact, according to his autobiography, some of his associates warned him that his activism could harm his career and his financial success. But he pursued it anyway.

He told the story of demonstrating outside some Oklahoma City restaurants that refused to serve black Americans in 1961, and while he modestly acknowledged this was a small effort that "made no more than a ripple in the wider world"—those are his words, not mine—the restaurants did change their practices, and the episode was a significant personal milestone for him.

His civil rights activism took him further. He was an admirer of Dr. Martin Luther King Jr., and wrote "Many men who knew him better than I have written about Martin Luther King. I can't match their eloquence; I can confirm what they've written: He was a special man, put on Earth, I do believe, to be a twentieth-century Moses for his people. Dr. King sought him out to discuss how to integrate certain segments of the film industry. Mr. Heston was supportive but had doubts that it could be done; he was surprised and impressed when Dr. King accomplished that goal.

Later in 1963, when Martin Luther King famously marched on Washington Charlton Heston was not only part of the march but helped organize and lead a contingent from the American arts community in participating. Their job was to help draw press attention to the cause but Mr. Heston characterized the role he played as essentially an "extra" at the event. Even so, he said of the march on Washington: "In a long life of activism in support of some good causes, I'm proudest of having stood in the sun behind that man, that morning."

I think many people fail to appreciate the importance of Mr. Heston's involvement in supporting the cause of civil rights at that particular time. It was a turning point in our Nation's history. His position put him at odds with many in his industry, not to mention the mainstream America that existed in those days. It was no small thing for Charlton Heston to commit his energies and his name to advancing a cause that was deeply controversial.

Today, some have forgotten what those times were like and the risk he took. I would even argue that some prefer to overlook or rewrite the record of his civil rights activism because they disagree with other causes he took up later in his life.

Maybe it just doesn't sit right with the predominately liberal majority in the media and Hollywood that Mr. Heston could both march with Dr. King and later publicly denounce the violent, pornographic lyrics of rapper Ice-T. Maybe they don't understand how the same man who picketed against racism could criticize the Screen Actors Guild—an organization he presided over for six terms—for practicing reverse discrimination.

Or maybe they just don't understand the common denominator between his fight for civil rights and his fight for the Second Amendment. When he took the helm of the National Rifle Association for an unprecedented three terms Americans' firearms rights were under attack as never before. I met with him and encouraged his participation, as others did. Mr. Heston did participate and brought for formidable energy to the defense of this fundamental civil right of the law-abiding American citizen.

It was my great privilege to work with him in those days. I came to know him as an unabashed patriot and a friend. He was amazingly modest about his accomplishments when he told me about his past involvement in policy and political issues, but it was from him I learned about his early work on behalf of civil rights.

Charlton Heston is remembered by countless Americans around the world for the great roles he played and the characters he created, as only he could do. That legacy will live forever. As his movies are discovered by new audiences in the future, a new life for that memory will emerge.

But Americans should also be aware and celebrate and treasure another legacy he left behind—his simple and quiet service to our Nation. Let the record show Charlton Heston did not sit safely on the sidelines. He strode boldly into the arena of public affairs and took on all the risks of fighting in that arena. He worked to make this Nation a better place through his activism in promoting civil rights and individual liberties, a legacy that will have an even more lasting impact on our lives and the lives of our fellow citizens.

Goodbye, Charlton Heston. America misses you.

I yield the floor.

Mr. President, 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. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### FARM POLICY

Mr. CRAIG. Mr. President, I am going to address, very briefly, an action that will come before us this evening in a 2-week extension of current farm policy that will be sought by Chairman HARKIN, as they work out, I understand, the final details of a new farm policy for our country.

As my colleagues know, over the last several weeks, I have come to the floor to speak out about the urgency at hand of getting a new farm policy before American agriculture as we move into the spring season and before the early harvest in the grain belt of our country, which starts very soon in Oklahoma and northern Texas.

As most of my colleagues know, both the House and Senate passed new farm policy last year, but because of their differences, we were simply not able to work out a compromise in conference. In fact, the House waited months to appoint conferees. Then the Speaker openly spoke out about being unwilling to provide the tax package to finance the necessary new policy.

I began to object. After 6 months and 4 extensions, finally, last week on the floor I did object. But out of that we began to work together and worked out a compromise, and I must say to all the conferees on the House and the Senate side that their diligence appears to have paid off. In talking with my colleague and the ranking member of the Senate Agriculture Committee, Senator Saxby Chambliss, today, their work in large part is done. It is a matter of simply putting it in final form, bringing it to print and, of course, then bringing the conference report to the floor of the House and the Senate. Apparently, the White House has also signed off on that and their work is largely complete.

It is with that understanding that I will not object this evening to a unanimous consent request to extend the current farm policy for another 2 weeks while they work out and put to print their final effort.

Let me thank them all for the sense of urgency that has developed over the last 2 weeks and the work in completing it. Obviously, the finance committee in the House, the House Ways and Means Committee and Senate Finance Committee had to bring about the necessary package. Senator Max Baucus and Congressman RANGEL, apparently working with the Republican side, have solved those problems and put the appropriate finance package together.

There are very important policies, new policies inside this farm bill. We are hearing for the first time, at least in my memory, a question about food shortages or at least some commodity shortages because of new demands we put on the production of American agriculture as it relates to the production of energy. There is no other time more important in our country to have farm policy in place and operative than right now, to say to the American people we can get our work done in a timely fashion—and that work is now complete; to say to American agriculture: Here is your policy for the next 5 years, whether it is nutritional policy for America's poor, whether it is production policy for America's farmland, whether it is conservation policy or energy policy; in large part all that is embodied.

I thank my colleagues for the work they have done. I hope their sense of reality and their finishing the product and getting it before us meets that timing. With that in mind, I will not object tonight to an extension. But I am on the floor to personally thank them for the work they have accomplished in getting it completed in the next 2 weeks and getting it before us as soon as possible so we can say to American agriculture: The work is done. Here is agricultural policy for the next 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### ENERGY MARKET

Ms. CANTWELL. Mr. President, I have been to the floor now a couple of times already to talk about the high price of gasoline and what is going on in the oil markets. I want to take a few minutes this evening and talk about this issue as it relates to the futures market and what is happening to the day-to-day price of gasoline.

I know my constituents are outraged over this price. I know they are frustrated. It is impacting our economy. They want to see results. They want to see us take action. I think it is very important for us to keep delving into the details of what is causing this problem; that is, the price of gas increasing over 100 percent in about a year's time.

The first thing that is important for us to remember is how dependent the United States is on foreign oil; that we are, at 20 million barrels per day, the highest user of a country dependent on oil. And when you look at other countries and where they are on this issue, you can see that 20, almost 21 million barrels a day of foreign oil really means the United States, given the high oil prices we are seeing in the world market, is more impacted than any other economy.

So that means the United States has to step up and deal with this issue. I

am not saying other economies, such as China, Japan, and Germany, are not impacted, but we are five times more impacted, and that is why we need to be aggressive and act on this legislation.

Now, we know where oil has been. In fact, I made this chart a few days ago to show how oil prices have tripled since 2002. I said oil was at \$118 a barrel. Well, that changed. It went to \$120. Now I think it is back down maybe to \$116 today. I have not seen where it has closed. But that means we have seen gas go from \$3.50 to \$3.60. We have seen diesel at \$4.22.

The important point is that oil futures; that is, the future price of oil, people are already purchasing oil and oil contracts into the future, and they are paying \$100 or more for the next several years. That means those contracts that people are purchasing in oil futures help set the price for the commodity we purchase today.

If people are saying: I will buy oil into many years from now, 7, 8 years from now, and pay over \$100 a barrel, it makes it very hard to have oil purchased in the physical market for a cheaper price than that.

Now, I have spent many hours on the Senate floor talking about supply and demand. The reason I have done that is because when you have a normal market, you have supply and demand, it works pretty well. My concern is, when you look at the statistics and the numbers, and here is a particular example, that world supply basically since 1988 has increased 33 percent and world demand has increased in that same time period 33 percent.

I showed a chart the other day that basically showed these two lines in parallel. This is not about supply and demand. This is not about a major market disruption and thereby not having a lot of supply and thereby causing a shortage and an increase, a spike in price. Now, yes, we have had some anomalies in the marketplace. We have had situations like Katrina, but they have been small instances, nothing that would cause a 100-percent increase in a 1-year period of time in the price of oil.

So that leads you to say simply: What is going on in this marketplace if it is not supply and demand, if the market is not functioning?

Well, one thing I know about this futures price that I described to you is that we have had a lot of testimony before the Energy Committee, before the Commerce Committee. I am sure some of my colleagues with oversight of the CFTC have had hearings.

But one thing we heard from a professor from the University of Maryland was, with those selling or buying commodities in the spot markets, they rely on the future price to judge the amount they are going to pay for the delivery of those commodities.

So I am reinforcing what I said earlier; that is, if people are already buying future contracts, and those future

contracts are saying: We are definitely going to pay more than \$100 a barrel for oil. That is going to affect the spot market. And the spot market is the market in which people buy the commodity today and what price they will pay.

So if you are sitting there thinking: How much am I going to pay for oil, and people are going to pay over \$100 a barrel for it over the next several years, it is certainly going to affect the day-to-day price of oil.

Now, why is this so important? Well, it is so important because the futures market, in my mind, is out of control as it relates to the price of oil. It is out of control in the sense that it is not regulated in the same way other futures commodities are regulated. It is not regulated the same way cattle futures are, for example. They have reporting requirements. They have trading requirements. They have oversight by the CFTC. They are not exchanged on an international exchange to which we do not have access. There is no loophole, but for oil there is. That is the futures market, and the futures market impacts the spot price market.

So let's look at what happened. In fact, one of the analyses that was done on these hedge funds and how they are impacting the futures market—because I know a lot of people think crude oil is produced and an oil company either has that supply and then delivers it to its regional retailers throughout the United States or maybe to other countries and that is how it works. But what is happening is major investors are buying that product.

In fact, hedge funds are taking an ever-larger bet in the futures market because it is smaller than the stock market or the bond market, which means you can have more influence. The funds are using borrowed money to maximize their bets, magnifying their impact on the energy markets and prices.

So this is a reporter reporting about what is happening in the futures market and how hedge funds are playing this large role of moving in and having an impact on what the futures price is. Now, the reason I mention this is because we know this is causing problems. We have a very big example of a hedge fund gone wrong; that is, a hedge fund that was involved in rogue trading and used its power in the futures markets to disrupt the market as it related to natural gas.

So many people probably read about Amaranth; they have seen it in the paper. But what happened is, Amaranth sold large volumes of the next month's gas delivery in the last 30 minutes of the market. So they took a huge amount of supply and basically did what was called "crashing the close," basically to benefit their position.

Now what this did is it cost consumers \$9 billion more in the cost of natural gas. That is what this hedge fund did in disrupting the natural gas

markets. And, thank God, we had passed a law in 2005 saying this kind of activity was manipulative and it ought to be outlawed. The FERC is working on enforcement penalties of \$291 million against Amaranth in this case.

But this is an example of how a hedge fund has come into the system and had a significant impact. Now, the Chairman of the FERC is saying these futures market prices impact the physical market price, and these manipulative schemes that were used like in Amaranth were designed to lower the prices in the futures market in order to benefit positions held in the physical market.

It is that kind of activity that we do not have enough insight into in the oil markets. You are saying: Well, how do we know about this? This was a natural gas market. And post-Enron we passed a law and said: We need to make this clear, a bright line that this kind of market manipulation is against the law.

We did that, and this is what the policeman on the beat, the FERC, has been doing to stop bad actors. And it is a very bright line. But what we need to do now is to do the same thing with the oil markets because after the Amaranth case, after it collapsed, lo and behold, what happened? What happened? Well, the futures price dropped to the lowest level for that contract in 2.5 years. So, basically, after Amaranth got out of the situation, and throughout this period thereafter, the market fundamentals of supply and demand basically have been unchanged.

This was an investigation that was done by our Permanent Committee on Investigations of the natural gas market. So once Amaranth was out of the market and their activities, guess what. We saw a stabilization in price. That is what we want. We want policing of the market. And that is why we want the FTC to do its job. We want the FTC to do the aggressive job that FERC is now doing in policing the electricity and natural gas market.

This body, this Congress, this President, signed into law language saying that the oil markets should also have a very bright line and should not tolerate market manipulation. That was signed into law last December. For the law to take effect, we need the Federal Trade Commission to actually implement the rule, to say how they are going to use this law, and to focus on catching the bad actors.

I want to reiterate the things that we need to do. We need to close the Enron loophole. The Enron loophole allows for online trading to be exempt from the regulations that other futures commodities comply with.

We need to require oversight of all oil futures markets. We cannot be held, in the United States with that 21 million barrels of oil, to having a blind spot on how the market is being impacted because the FTC does not have any insight into bad actors who might be manipulating it like Amaranth did.

We need the FTC to implement these new market rules. The FTC needs to be clear. They need to publish these rules and implement them as soon as possible.

I believe we need the Department of Justice to step in and help because we have seen, in the Enron case, when the Department of Justice and the CFTC and the FERC and various agencies worked together to piece this puzzle together with their authority, more enforcement mechanisms were used to catch bad actors.

I am sure we will have time again to talk about how 28 States have already implemented statutes to make price gouging illegal. I believe that is some authority that we should give the President.

So these are the things that we should be doing to protect consumers. I know it might seem to some of my colleagues that the oil futures market is complex and might not be the subject of something we should be dealing with on the floor of the Senate. But I will guarantee you, if we do not have a policeman on the beat for the oil markets, we are going to see a continuation of these incredible prices that are not based on market fundamentals.

I know whether you are an oil company or a hedge fund or whether you are someone in the supply chain, no one wants manipulation. Everybody wants markets to function based on supply and demand and basic fundamentals. Everybody should be for transparency of these markets, and they should be for strong Federal statutes implemented by the FTC, and they should be in support of having a very aggressive policeman on the beat to make sure we send a very strong message that these kind of practices will not be tolerated.

I yield the floor, 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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

#### DEFENDERS OF FREEDOM FELLOWSHIP

Mr. BAUCUS. Madam President, John F. Kennedy once said:

As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

I rise today to express my gratitude to the Montanans who have served our country in uniform. Montana is home to over 100,000 veterans. Many others gave the ultimate sacrifice in service of our Nation. Twenty-four Montanans have given their lives in combat in Iraq and Afghanistan. We owe these brave warriors a debt of gratitude that can never be fully repaid, and it is an honor to call myself one of their countrymen.

These veterans embody everything that is great about this Nation. They

are tough. They are smart. They work hard. No matter the task, they get the job done. But the highest appreciation deserves more than just words. In honor of all Montanans who have served this great Nation, I am launching the Defenders of Freedom Fellowship. The Defenders of Freedom Fellowship offers professional experience in the U.S. Senate for Montana veterans. Each fellow will work in my personal office on veterans issues. The fellow will research issues and correspond with constituents, attend congressional hearings, and work on new legislation. The fellow will gain a rare insight into how the American Government works. The fellow will serve our Nation's veterans and all the people of Montana.

The fellowship has three goals. First, the fellowship aims to help involve more veterans in public service. A veteran's patriotism and love of service is a valuable asset to any public office.

Second, the fellowship will take advantage of all the experience a veteran has to offer. Many of these young men and women have experience well beyond their years. We have much to learn from what they have seen and done. We will gain a new perspective on tough problems we are working to solve.

Last, the fellowship is a humble way to say thank you to Montana's veterans, humble because it is an invitation for a veteran to come to Washington to work. However, this fellowship can also offer a gift. Some fellows will find a love for public service that will last a lifetime. This passion for public service has propelled many to greatness. It is this spirit that has inspired our Nation's greatest leaders.

I am excited about this—very excited. I am very excited about this fellowship and the opportunity I will have to work with some of Montana's veterans. To all Montana veterans and their families, I offer my gratitude for your service and for your sacrifice. To the future Defenders of Freedom fellows, I look forward to working with you soon. I thank you in advance for your efforts. I am confident you will find your service very rewarding.

Madam President, I yield the floor.

Mr. SPECTER. Mr. President, I wish to speak to an amendment to the pending legislation, H.R. 2881, the FAA Reauthorization bill, which would require the FAA to more effectively address flight delays that are caused by airline overscheduling.

Airlines continually schedule more flights than airports can physically handle. Schedules are made to reduce operating costs and maximize airline profits without regard for airport capacity. Since only a certain number of flights can be accommodated within a specified time period, overscheduling triggers built-in delays which can take the air traffic system hours to recover from. Responsible scheduling of flights within airport capacity limits will go a long way towards alleviating delays.

Many interested parties point out that airport capacity needs to be expanded to match existing schedules. This is true. We do need to ultimately expand airport capacity to accommodate passenger demand, but projects to expand capacity can take years to develop and millions of dollars to construct. In the nearterm, we should ensure that there is some rationality to flight schedules so that passengers can trust that their flight has a reasonable chance of being accommodated.

This amendment, on its own, would not cap or reduce peak hour flights at any airport. It would simply direct the Federal Aviation Administration to intervene in cases where overscheduling is causing significant delays.

Specifically, it would require the FAA Administrator to convene a meeting of airlines to discuss voluntary flight schedule reductions at any airport where flights exceed the maximum hourly departure and arrival rates set by the FAA, provided that such excess flights are likely to have a significant adverse effect on the national or regional airspace system. In other words, if the excess flights were deemed not likely to have an adverse effect, no action would be taken. If an agreement cannot be reached on voluntary flight schedule reductions, then the Administrator, working with the affected airport, would be required to take such action as is necessary to ensure that flight schedule reductions are implemented. This gives the FAA and the local airport the flexibility to decide how best to bring their schedules within capacity. Additionally, the Administrator would be required to submit a report to Congress every 3 months on flight scheduling at the Nation's 35 busiest airports.

This amendment is supported by the Airports Council International-North America as a measure that will force the FAA to more effectively deal with delays. Accordingly, I urge my colleagues to adopt it.

Mr. President, on December 19, 2007, the Federal Aviation Administration, FAA, ordered air traffic controllers at Philadelphia International Airport, PHL, to use new dispersal departure headings, sending aircraft at low altitudes over residential portions of Pennsylvania, Delaware and New Jersey.

These new flight paths, a component of the FAA's New York/New Jersey/Philadelphia metropolitan area airspace redesign, have been met with enormous fury in local communities, prompting 12 lawsuits against the FAA. They also prompted air traffic controllers at PHL to file an "Unsatisfactory Condition Report," claiming that mandatory use of dispersal headings unnecessarily complicates departure procedures.

The FAA has always touted this project as a congestion relief initiative, and it is vitally important to address airspace congestion in the northeast. However, they are not sending planes over residential areas as a relief

option. According to air traffic controllers, these dispersal headings are being used as a primary option from 9-11AM and 2-7PM, resulting in overflights even when there are no other planes waiting to take off at PHL.

At an April 25, 2008, field hearing that I chaired in Philadelphia under the auspices of the Transportation and Housing and Urban Development Appropriations Subcommittee, FAA Administrator Robert Sturgell confirmed that overflights are occurring when less than 10 planes are waiting to depart at PHL.

This runs counter to prior commitments the FAA had made to only use the headings during moderate to heavy traffic periods at PHL, when 10 or more aircraft were waiting to depart. The FAA has been unwilling to honor its commitment by limiting use of the headings to only those times when 10 or more aircraft are waiting because they claim that doing so would require them to conduct a reevaluation and analysis. I would argue that a reevaluation and analysis are in order if it would provide relief to the communities surrounding PHL, but I am more interested in seeing to it that the FAA honors its commitments.

Since they have not been willing to do so on their own, this amendment would force them to honor their commitment by prohibiting the use of dispersal departure headings at PHL unless 10 or more aircraft are waiting to depart. It will ensure that communities are not frivolously disrupted by overflights but still give air traffic controllers the option of using dispersal headings as a relief option when the airport is most congested.

It is important to note that the FAA is limiting overflights from Newark Airport to times when 10 or more aircraft are waiting, so this is not a policy that is unprecedented or impossible to implement. Accordingly, I urge my colleagues to adopt this amendment.

AMENDMENT NO. 4585 WITHDRAWN

Mr. ROCKEFELLER. Madam President, I withdraw my amendment No. 4585.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4627

(Purpose: In the nature of a substitute)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4627.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4628 TO AMENDMENT NO. 4627

Mr. REID. Madam President, I have a perfecting amendment to the substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4628 to amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following:

The provisions shall become effective 5 days after enactment.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Could I ask what the amendment is?

Mr. REID. Madam President, it is a change of date.

Mrs. HUTCHISON. Just a date change.

Could I ask, on the amendment that was offered by the Senator from West Virginia, is that the bill that has been discussed that has already been on the table without the pension provision? Is that the new substitute that was just put forward?

Mr. REID. That is our understanding.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4629 TO AMENDMENT NO. 4628

Mr. REID. Madam President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4629 to amendment No. 4628.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike "5" and insert "4".

AMENDMENT NO. 4630

Mr. REID. Madam President, I have an amendment to the bill at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4630 to the language proposed to be stricken by amendment No. 4627.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

"The provision shall become effective 3 days upon enactment."

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4631 TO AMENDMENT NO. 4630

Mr. REID. Madam President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4631 to amendment No. 4630.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. Madam President, to all the Senators who are on the floor, and those within the sound of my voice, there has been a new substitute filed. The purpose of that is to eliminate the provision we have been dealing with all day here. I say to my colleagues, there are discussions going on as to how we can resolve that, if, in fact, we can resolve it.

I say to especially my distinguished counterpart, Senator McCONNELL, at this stage we are now ready to start the amendment process. I was told early this morning that there was a Bunning amendment the minority wanted to offer. No problem; we just have not seen it. I think this bill, which is a tax bill—we do not want to tell anyone what they can or cannot offer—but I think it should be in keeping with what this bill is about. I have no problem if the Republicans want to offer one amendment, two amendments, or lots of amendments. I have no intention of trying to prevent them from offering amendments to this piece of legislation. But there comes a time when you have to move on, and that is what we are doing now.

I repeat: The floor is open. I do think it is appropriate—and the only thing I did here is to stop random amendments from being offered. I do not know how I can be more suggestive of the fact I want to finish this bill. I want it to be done. If there are people who want to amend parts of this very important bill, they should have a right to do so. I have no problem with that. I do say it would be appropriate that we at least see what the amendment is so we can move on, and as long as it is in keeping with this bill, I do not care what it does.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I certainly share the view of the majority leader that this is an important bill that needs to be completed. However, I do not agree that employing a parliamentary technique of filling the tree, which is what my good friend, the majority leader, did, will help facili-

tate the completion of the bill. This, of course, gives the majority leader the opportunity to basically pick which amendments from my side will be allowed. That is the kind of procedure that makes it impossible to get enough cooperation on the minority side to get cloture and finish the bill.

This process is not going to help us get the bill finished. We will have to continue our discussions on both sides about the amendments we are going to insist be offered.

Hopefully, at the end of the day, after we get through the various procedural moves that have been made, we can develop a regular amendment process. I do not think there will be a huge number of amendments, but the amendments that need to be dealt with are important to this side of the aisle.

Until that kind of procedure is agreed to or worked out in one way or another, it would be difficult to get cloture and to finish the bill.

I see my good friend from Texas on the floor. She has been working diligently on this, along with Senator ROCKEFELLER, for quite some time. She may want to offer her observations as well.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I say, through the Chair to my friend, I want to legislate on this bill. If someone can come up with a better way that we do it, I am happy to do that.

As we know, if this vehicle is here, standing alone, anyone can offer any amendment on anything. I do not think that is helpful to the process. I do not want to stop them. If there are amendments over here to offer, I have said once, twice—this is the third time—more power to you, offer them. I don't wish to stand in the way of anyone offering an amendment. I don't want to be dealing with the war in Iraq, abortion or anything else which are some things that are very difficult to deal with. That is my whole purpose in doing this. I want to deal with FAA or anything within the realm of transportation. I hope everyone understands that. I will be happy—if somebody can figure out a different way to do this, let me know, and I will be happy to cooperate.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I am greatly disappointed that we have come to the time when we are not going to be able to move this bill because there is not an open amendment process. I have worked with Senator ROCKEFELLER on the aviation bill; this is the FAA reauthorization. We have come to agreement on the basic bill. It is very bipartisan. Senator INOUE and Senator STEVENS, the chairman of the Commerce Committee and the ranking member, have come to an agreement on the aviation portions of this bill.

The distinguished majority leader said we don't want to take amendments that are not relevant to the bill, but, in fact, the tax package that is in the substitute that was put forward deals with many issues that are not in any way related to aviation, not in one instance. So we would like to be able to pass a bipartisan FAA reauthorization bill.

We have come to agreement in the Commerce Committee on the importance of the bill—the passenger bill of rights, the added safety features. It will modernize the air traffic control system. Yet now we have a bill that has no amendments allowed unless we get permission to offer amendments, when the underlying bill has many extraneous provisions in it that were added by the Finance Committee. They are not relevant to this bill, and they are not agreed to even by the leaders on the Commerce Committee whose bill this is.

So I am disappointed. I think it is going to stop the consideration of the FAA bill. If we could pare it back to FAA reauthorization, modernization, then I think we would have a bipartisan step forward for the consumers and passengers in this country.

I wish to thank my colleague, the Senator from Illinois, for working on the pension part, which has now been taken out. I think that is an excellent step in the right direction. It is very important to me. I was the cosponsor of his amendment. That amendment has now virtually been adopted. But I can't walk away from the rest of the people on my side of the aisle who want to offer legitimate amendments and who have very great concerns about the tax provisions in this bill that have nothing to do with aviation.

So I hope once we get to the point the bill doesn't move forward, which is where I think we will go, we can once again come together in a bipartisan spirit and have the aviation bill we have agreed to, with the tax provisions that relate to aviation that we have agreed to, and get this bill going. There will be legitimate amendments on perimeter rule, on some other safety issues. Those will be relevant. But we can't move forward when half our body virtually is unable to be a participant.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. The Senator from Texas makes my case. If there is part of this bill she doesn't like, whether it is tax provisions or anything else, offer an amendment to try to take it out. No one is trying to stop her from legislating. It appears to me my friend from Texas is looking for an excuse to kill this bill. If she doesn't like the tax provisions in this bill, offer an amendment to strike them. No one is stopping her from doing that.

I don't think it is asking too much to say we would like to have some idea of what amendments are going to be offered. I don't care what they are if they relate to this bill. I don't know how

many more times I need to say that. I think people, such as my friend from Texas, are looking for an excuse to deep six this bill, and that is what is going to happen.

We are at a place now where I have said if you want to offer amendments, offer amendments, and they are saying, well, we don't want to offer amendments because you have said you want to look at the amendments first.

Mrs. HUTCHISON. Madam President, parliamentary inquiry: Wasn't the tree filled up so that there are no possibilities of offering amendments?

Mr. REID. I have said—it is so easy. If anyone wants to offer an amendment, we take that little tree and add her branch to it. It is easy to do. I am not trying to stop anyone from offering amendments to this FAA bill. It is an important piece of legislation and it should be accomplished. But we can't stand around for days on end looking at each other. We have people who say they want to offer amendments. Good. Let them offer amendments. I have no problem with that.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I will try one more time with this voice. I expect I am correct in saying that filling up the tree has not worked except on occasions when the Republican leader agreed with the majority leader on filling up the tree, and there have been a few occasions on which I have agreed. I do not agree this time. This is not a process that is going to get us a bill. But we all continue to talk to each other, and we will hope that when the Sun comes up tomorrow, there will be a process agreed to that will give us a chance to get the votes we are going to have to get on this side of the aisle in order to complete a bill we would all basically like to complete.

Mr. REID. Madam President, I have an idea. Why don't we have an arrangement where the minority leader, the Republican leader, can also look at amendments with me. I am not going to try to stop anyone from offering an amendment. He can be part of the deal. I shouldn't be the sole arbiter. He can work with me on these amendments.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I would observe that from the very beginning of this most interesting day, my very good friend, Senator HUTCHISON, who is the ranking member on the Aviation Committee, has said there is a way to pass this bill in 5 minutes and that is: One, we do the amendment with respect to what my substitute amendment does; and, secondly, that the extraneous amendments, financial amendments which the Republicans do not like, they can put up that amendment. Now, they have said nobody on their side will vote for our amendment on the theory that it didn't come before they had a chance to take out the extraneous amend-

ments. So I would say to my distinguished friend, Senator KAY BAILEY HUTCHISON, offer your amendment right now, right now. Offer it. You may find a more welcome audience than you think.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, it is frankly unfortunate that we are getting all high bound here and wrapped up around the axle. The action by the majority leader, as I understand it, in effect has adopted the Durbin amendment, which off the top I think is regrettable. I think it is important that this body protect pension plans—all pension plans—and the effect of the substitute would be to let a certain airline off the hook in providing enough protection to the plans. It has made big promises, but it is not fully funding the plan.

Second, it is a bit disturbing that things have developed this way because I had discussions with the majority leader as to how we can resolve the Durbin amendment, how we can resolve that issue. It was my hope we could continue those negotiations and discussions to possibly take that issue off the table.

I say to my good friend from Texas and to all Members, the leader asked me to work with Senator ROCKEFELLER to come up with a bill that merges both the Commerce Committee bill and the Finance Committee bill. Senator ROCKEFELLER and I did that. We sat down and worked out an agreement on the bill. It is unfortunate we are not starting with that agreement because it is a good-faith agreement and it also included tax provisions. We have to have tax provisions to pay for our airlines, for the trust fund, the airline trust fund. We have to have tax provisions to pay for the highway trust fund. Again, we negotiated this out, the chairman and I did, Senator ROCKEFELLER and I did in good faith and we came up with the measure which I think is fair.

Now, fairly, Senators have the right to offer amendments and should offer amendments. After all, this is the Senate. I think there is a way to work out the Durbin amendment. I made a suggestion to the majority leader as to how to do that, and I think it would be helpful if those negotiations could continue as we unwind one of the problems we are faced with. But second, I hope we can get away from the situation the minority leader described, which is filling up the tree which tends to get us stuck. The goal is not to get stuck; the goal is to seek an expeditious process and to move along quickly.

We have been spending all afternoon doing nothing, frankly. I made a suggestion as to how to deal with at least one significant part and that is the Durbin amendment, and it would be my hope that, as has been suggested, when the Sun rises tomorrow and we all sleep on this a little bit, cooler heads prevail, and we can find a way to get

from here to there. That means passing the FAA bill, which deals with issues Senator HUTCHISON has talked about and which also finances the airport trust fund and the highway trust fund—that is, the plussed-up highway trust fund—and also a way to resolve the Durbin amendment in a fair and equitable way. Because nobody is 100 percent right here. Senator DURBIN is not 100 percent right and I am not 100 percent right. But I do think there is a way to resolve this, and I hope this evening we can think about it, sleep on it, and work it out.

Mr. DURBIN. Madam President, I wish to thank the Senator from Montana. We have had some words today, some positive and some not so positive, but I hope we can follow through on this conversation and this dialogue and try to see if there is common ground. I don't know if there is, but I am willing to try, and I hope we can see if we can achieve it.

I offered with Senator HUTCHISON to have a vote earlier today and that didn't happen. But at this point I hope we can find a way to reach an amicable solution. This pension issue is a very important issue to thousands and thousands of workers and to many communities that are served by these airlines. We worked hard and I think had a sizable number of Senators who supported our position, but you never know until you take the actual vote. I will say the underlying bill, after all this conversation about the pension plans affecting five airlines—and the tax provisions, which, frankly, I support—I think the tax provisions in this bill are good, relative to rail bonds, to the New York situation, and to the highway trust fund. I support that. I am happy to support it. But we want to make sure that at the end of the day, the underlying bill is enacted into law. This is long overdue to bring modernization and safety to our skies, and I know the work that has been put into it by the Senator from Texas and especially the Senator from West Virginia.

So I am prepared to sit down and meet with anyone in good faith to try to resolve this if we can. I hope that at the end of the day, though, what the majority leader said a few minutes ago is remembered. He is looking for any germane amendments relative to this bill and is prepared to engage a debate on both sides. He used this procedural approach to try to break a logjam, but he clearly is looking for a way to move to amendments and most importantly to pass this bill. I think that was a good-faith offer, and I know he is a man of his word. So we are prepared to work with Senator ROCKEFELLER and Senator HUTCHISON and all the Members to try to resolve these differences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I appreciate what the Senator from Montana and the Senator from Illinois have said. I do hope we can continue to



work on this. I know the situation, as it stands right now, would not be acceptable: having a major piece of legislation that needs to be debated, and we need to have the ability for the minority voice to be heard. I don't think that it is going to happen with this particular procedure, but that doesn't mean the door is closed.

We do want to work on this bill because, as I have said many times, the underlying bill is one I fully support. It may be that one of the options would be to separate the tax part of the bill and the aviation part. I agree with the aviation tax part as well. Most people on our side of the aisle do. It is the taxes that have nothing to do with aviation that have been put into this bill that are the problem. That is what is killing this bill right now. If we can come to an agreement on the aviation taxes and the aviation bill and let the other tax provisions that relate to the subway and the railway and the highway fund, if those can be done in a separate package and then we have the votes up or down, then I think that is one option we ought to consider.

So right now, in this particular procedure, I think we are going nowhere. But we are going to continue to talk, and perhaps one of these other options would be doable. The pension part is so important to me. I have worked with Senator DURBIN all day and ever since I learned the pension part had been changed in the tax part of the package.

I hope we can come to a conclusion. I would like to come to a conclusion with the Finance Committee because I think there are some compromises, perhaps, that could be made. But I know what is in the bill now would be very detrimental to some of the airlines in this country. I think, as a matter of fairness and equity and protection of employees, that we could not accept the language that is there. That doesn't mean the door isn't open to talk. But if we can do something in a separate bill and let the aviation bill—taxes and authorization—go forward, I would hope that would be an option to consider.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first, I appreciate the words of the Senator from Illinois and the Senator from Texas and their willingness to work out an accommodation on the pension provision.

Second, I caution this body about potentially separating these bills because the revenues provided in the bill are for the airport trust fund. I think that is very important. Also, the revenues are provided for NextGen, which is the next generation of air traffic control infrastructure, as they move from analog to satellite. European countries already have it. We need it here. We are behind the times. We need the money to get started. So I wonder about the advisability of separating those provisions.

Third, our highway trust fund is in deep trouble because of inflation, fuel costs, and construction costs going up. It is important that we so-called plus-up the highway trust fund and revenues there. The ways we are paying for the highway trust fund have been agreed to by the Commerce Committee and the Finance Committee, Senator ROCKEFELLER and myself. We agreed. That should not be an issue. The ways we are paying for the highway trust fund are provisions that are very meek and mild, not inflammatory at all. One is to limit fuel fraud. We should do that. Next, we should increase the solvency of the liability trust fund. That has not been opposed by anybody that I am aware of. That is jobs. We know this country and our growth rate is not what we would like it to be, and we could work this out.

Again, here we are at about 7 o'clock this evening, and a lot of good words have been spoken in good faith. Let's follow up and try to find a solution tomorrow.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, if I may respond briefly to the Senator from Montana, there is a lot of room for us to work on the highway trust fund issue. Everybody wants to replenish the highway trust fund. I do think there are issues with paying for it, and I think there is the view that we don't have to put a tax on some sectors in order to make this whole, because it is stimulative, and I think we could work on something that would get the highway trust fund replenished but not have to then find the issue of how we pay for it—particularly, one of the things is the retroactive tax version which is a problem for some people.

With the highway trust fund, I think we are replenishing something we can all agree is necessary. If we can come to terms on paying for it and in what manner it will be paid for, that is an area we would like to discuss.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I don't know if I am closing or not. I want to offer this observation. I have been here virtually all day. I have had plenty of rest—very little talking and very little learning. What strikes me, as this day closes, is that the people who are objecting in various ways to taking a vote—there will be no votes from our side on this or that or whatever—are missing the whole point of the bill. I support the Durbin position on pensions because it is part of the written law. It is not very difficult.

Everybody wants their own little piece to win. I have heard almost no conversation today—and virtually none yesterday—about the perilous condition of our aviation industry, particularly the commercial aviation industry. There isn't any sense of urgency about the large matter. Maybe people have it in their hearts, but they don't choose to bring it out here because on

the floor they want to win points or they have ideological considerations that we cannot raise taxes or whatever. But while we are sitting here doing nothing—and I am sure impressing the American people mightily with our vigor—we have an aviation industry that is on the verge of collapse.

I pointed out a number of times that one out of every six employees has been laid off by commercial airlines. The fastest growing part of the aviation industry is the general aviation industry. I have very strong feelings about that, but for the sake of the chairman of the Finance Committee, I backed off of my solution for a fee of \$25 per flight for a high-end private or corporate jet. I never really figured out how the \$25 was going to bring them to the feet of catastrophe. Most of the jets that are made at the high end are sold elsewhere, overseas.

So I am very frustrated, as chairman of the Aviation Subcommittee, that we are not really talking about how to fix aviation. We are talking about how to keep our turf, how you are going to get no votes on this until I get my votes on that. None of it is about the big picture. It is about little things inside the bill which people choose to put their feet down on and then not move.

That is very depressing to me because I am very keenly aware that aviation is not a subject that has a great deal of appeal broadly. Most of our meetings on the Commerce Committee are attended by relatively few. There are relatively few on the floor of the Senate who really understand the condition of the aviation industry or the details pertaining to its condition, the history of that condition, and what the future holds.

I hope that, as we go through this night of cooling down, we will become reflective about what the bill is about, which is trying to give the commercial aviation industry, as well as the general aviation industry, a chance to survive in one case and flourish in the other case.

I made enormous compromises with the chairman of the Finance Committee—monumental, from my point of view. But so what. That is not even the point. The point is commercial airlines. So many of them are closing down. So many of them are in chapter 11 bankruptcy, in and out of chapter 11. Some are headed toward chapter 7. It is a national catastrophe—not to speak of our air traffic control system where we are at this point behind Mongolia.

So these things are important, and evidently others don't think so because they want to win their points to keep their positions and let the aviation industry take care of itself. I have not heard anybody on the floor today discussing with any passion, any coherency, or logic the condition of our aviation industry. That is very disappointing to me.

So I put up that caution and say that I hope we will be a wiser group tomorrow and that we will reach an accommodation because if we don't, we will

not only not be the world class of aviation, we will be very far from it. It is not just the commercial airlines, it is the air traffic control system. And, yes, you do have to kind of raise taxes for that. You have to build a digital GPS satellite system at the same time as you maintain an analog system. It will take 10 or 12 years to build this modern air traffic control system which every other country in Europe has—Japan and probably China have it.

It is discouraging to me for people not to be keeping their eye on the central force of this bill, which is to preserve what we need to do in commerce, to stay in touch with each other, to visit a dying mother, and do all kinds of things that are in the American way of life. Our debate today has not reflected the American way of life. It has reflected kind of a much more parochial view than I am comfortable with. But I am managing the bill, so I have to deal with that.

So I just close by saying that I hope tomorrow will be a brighter day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wasn't present on the floor when the maneuvering that just took place happened that puts this Senate in a very difficult position, but it gets us into a very bad and dangerous situation.

The maneuvering of the Democratic leader and floor manager that was just done is not used very often in the Senate. In fact, substituting—putting a modification of a substitute that was agreed to by two separate committees that jointly brought this to the floor is something that I think is very unprecedented. This process of filling the tree so that only the majority party can decide what amendments can come up is not only dangerous and can keep this very important piece of legislation from being passed, but it is dangerous for the whole process of the Senate's comity in getting the job done.

As I said, this substitute was the product of two committees—not one committee but two committees—and by the overwhelming support of people on those committees that we needed to not only reauthorize the Federal Aviation Administration and do everything we can to improve airport safety, as well as airport facilities, but also the financing of it, to make sure there is plenty of money available to get the job done.

On safety at the airports, we have the Commerce Committee doing their work. On financing it, we have the tax-writing Finance Committee making sure the money is available. These two committees do their work almost in a unanimous way, and it comes to the Senate floor. That ought to be a procedure that gets this bill through this body quickly, without a lot of controversy, and by an overwhelming vote that reflects the comity that went into it and that reflects the need of the airline industry, both for commerce and for the passenger.

These joint deals should not be taken lightly, and because one amendment is offered that a few powerful Senators do not like, and their unwillingness to set it aside so we could work on other amendments as we tried to work out a compromise was not accepted, they take this extraordinary measure that only a manager of a bill can do to ask to modify an amendment by taking out the provision of the bill which dealt with the Durbin amendment that was before the Senate. That is nothing else, just blatant political power to get around something that people did not want to deal with. This was something that was agreed to between the two committees. That move breaches the deal.

What is more, the Democratic leader has backstopped the breach of the deal by this procedure we call "filling the tree" so that only amendments can be offered that can get unanimous consent to offer them, and that is very difficult to do and is only done for the sole purpose of keeping the issue dealing with the Durbin amendment from debate and finality on the floor of the Senate.

All day long the floor managers could have set aside the Durbin amendment, as I said, and moved along to other business. That is what the Finance Committee does in similar situations. We have already heard speakers before me say there are very real possibilities of working out compromises on that amendment that the majority manager did not like.

Let it be clear that we could have processed other business if Senator DURBIN would have deferred action on his amendment, and we would have been moving along. We would not be in this position that is dangerous from two standpoints: dangerous whether or not this important legislation can be passed, and dangerous from the standpoint of working together on other legislation that needs to be done in future weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

(The remarks of Mr. BROWN are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. BROWN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### IRAQ

Mr. CASEY. Mr. President, I rise tonight to talk about the war in Iraq, from two different vantage points. One, the first vantage point, is from the perspective of those who have served—some of our fighting men and women who happen to be in the Reserves. I

also wish to talk about a victim of this war and some thoughts I have in my heart today about the war and about this particular victim and what it tells about our country. First of all, with regard to a particular problem and then some legislation I introduced to correct it.

We have a policy right now, which I would regard as unfair, that if it is fully implemented would hurt numerous Army Reserve members and consequently our national security. Last year, the Army implemented a new policy whereby Reserve members who were called to Active Duty for a period of time exceeding 180 days, will be given an option—an option of a permanent change in station assignment or a waiver request to receive a significantly reduced per diem rate for the locality to which they are temporarily assigned. This could tremendously disadvantage those who happen to be serving in the Army Reserves.

While on its face it might seem harmless because it gets fairly technical, its unintended ramifications could be very costly. Reserve Members from across Pennsylvania and across the country have described this policy as a hardship that could potentially cause future problems for retention and enlistment rates. For instance, under this new policy, an Army reservist living in Philadelphia who is deployed for a temporary mobilization, as short as 9 or 12 months, for example—and this is an increasingly common occurrence because of the strain the war in Iraq has placed on our military, but this particular example means that person could face the financial necessity of selling his or her home if he or she is unable to afford to maintain both their primary residence and their temporary housing on a reduced per diem rate. In other words, they are not being helped in that interim period of, say, 9 to 12 months. This is not only a story about Pennsylvania, but it is a story that could be replicated, unfortunately, across the country.

I introduced legislation yesterday entitled "The Reserve Residence Protection Act of 2008," which would correct this fundamentally unfair policy. The legislation would provide a basic allowance for housing to cover the costs of maintaining the primary residence of National Guard or Reserve members when they are mobilized outside their local area.

In addition, it would pay a lower second basic allowance at their mission location, if on-base housing is not provided. In January, when we passed the fiscal year 2007 National Defense Authorization Act, we passed a provision providing for the second basic housing allowance to protect the residence of Reserve members without dependents, but we left out—it is hard to believe this but we did—this body left out members with dependents. So if you had dependents and you are in this dilemma, you were left out. This legislation corrects this very important oversight.

Our Nation today is relying more than ever on National Guard and Reserve troops to fulfill our missions around the world and especially to carry on the work these men and women are doing in Iraq. Without these citizen soldiers placing their lives on the line to contribute to our national security, we could not carry out all our vital missions. National Guard and Reserve members know the sacrifices they need to make whether they enlist, but no Reserve members should be forced to choose—as they are now, if this policy is implemented without the bill passing—no Reserve member should be forced to choose selling his or her primary residence in order to fulfill a temporary mobilization order or deciding not to reenlist due to this unnecessary burden. In addition to being unfair in the first instance, it acts as a disincentive to those who might want to give even more service to their country.

When citizen soldiers enlist, they sign agreements to train and deploy when they are called up. That is the commitment they make to us and to our national security. However, I do not believe, and no one in this Chamber believes, that this is a one-way street or a one-way deal. The Nation, at the end of this bargain, promises to acknowledge their unique role as citizen soldiers and to aid in the transition between Active and Reserve Duty.

I am proud to have introduced the Reserve Residence Protection Act of 2008 because it will ensure that America is keeping its promise, keeping our promise to those who serve in our National Guard and Reserve, and we are keeping our promise to their families as well.

In conclusion tonight, I wish to talk about the war for a few moments, from the perspective of one victim, but I think this one victim tells a very dear and sad story. Today's Washington Post had a picture on the front above the headline. The headline read: "U.S. Role Deepens in Sadr City." The sub-headline reads, "Fierce Battle Against Shiite Militiamen Echoes First Years Of War."

I would say this in the context of where we are today. Tomorrow is the fifth anniversary of President Bush declaring, "Mission Accomplished." That is one thing we are thinking about today and tomorrow—all the time that has passed, all the trauma to our country and to the people of Iraq since then. But also we note, in yesterday's press, in the month of April, as of April 29, yesterday, 44 Americans died in Iraq, the highest number since September of 2007.

So why do I say that in the context of this story? The story, which is an ominous sign for what is happening in Sadr City with regard to our troops—and we have seen the loss of life this week. But above that story is this horrific picture. I know you may not be able to see it from a distance, but many have seen it today. I will read the caption before I show the picture.

The caption reads: "Ali Hussein is pulled from the rubble of his home after a U.S. airstrike in Baghdad's Sadr City. The 2-year-old died at a hospital."

The picture depicts two men, one holding this 2-year-old child above his head. The 2-year-old, this child, would look like any child in America with the kind of sandals you can connect with Velcro. He has shorts on and a shirt.

Unfortunately, I know you cannot see it from here, unfortunately for this child, who later died, apparently when this picture was taken he is still alive, he looks at that moment, in fact, dead. His eyes are closed, his mouth is open. You can see the soot or the dust from an explosion covering his body. So at that moment he had not died, but he died a short time after. And what does this mean? Well, it means a lot of things. It means this war grinds on, and that the lives of our soldiers, the effect on their families, and we see other victims—we do not see pictures like this very often of children dying in Iraq.

This is not the fault of any one person or any side of the aisle here. It is something we have got to be more cognizant of, especially in the context of this raging debate we are having in America about our economy. And it is so important that we have a debate about our economy. It is so important that we focus on those who have lost their jobs, focus on those who have been devastated by the loss of their homes, focus on the increasingly difficult challenge that people have paying to fill their gas tank; all of the horrific and traumatic economic circumstances we face.

But as that debate is taking place, we are still at war. We still have soldiers coming home who, as Lincoln said, in his second inaugural when he spoke of "him who has borne the battle and his widow and his orphan."

So many soldiers are coming home either maimed or coming home dead for their final rest. And even victims in Iraq, young victims such as this young boy, 2 years old. He lost his life in an airstrike. So whether it is a 2-year-old in Sadr City who happened to be Iraqi or whether it is a 2-year-old boy or girl here in America who lost their mother or their father in Iraq serving our country, we have to remind ourselves that this anniversary challenges all of us to do all we can to bring this conflict to an end.

No one has a corner on the market of truth. No one knows the only way to do this. But we have to continue to worry about it and think about this war and its victims, and we have to figure out a way to get our troops out of this civil war.

As we do that, unfortunately, these pictures of the victims, whether they are nameless and faceless, or whether they are, in fact, identified, as this poor child was identified, must be reminders to all of us that we have a lot of unfinished business in the Senate

and in Washington when it comes to the policy that has led to the loss of life we have seen here in America.

In my home State of Pennsylvania, like the Presiding Officer's, Ohio, we are up to 184 deaths and more than 1,200 wounded, in many cases grievously, permanently, irreparably wounded.

So this picture reminds us that we have a lot of work to do when it comes to the policy as it relates to the war in Iraq.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### AAA SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today in recognition of three young Americans recently chosen by the American Automobile Association to receive the School Safety Patrol Lifesaving award.

In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in order to ensure that children across the country could commute to school in a safe manner. Today over 500,000 young people participate in this program, and every year since 1949, the AAA has recognized those patrollers who go above and beyond their duties.

For nearly 50 years, the AAA has given its highest School Safety Patrol honor, the Lifesaving Award, to those patrollers who have risked their own lives to save the life of another. Today I have the great honor of recognizing three courageous patrollers who, while on duty, showed the kind of clear-thinking, quick-acting skills that save lives.

Nicole Epstein participates in the School Safety Patrol Program at North Chevy Chase Elementary in Chevy Chase, MD, not far from where we stand today. In June of 2007, an 8-year-old boy watched the traffic light turn to green and began to cross a busy road, unaware that a car making a right-hand turn was heading directly toward him. Nicole, seeing the oncoming car, stepped off the curb and grabbed the boy's backpack to pull him to safety. The driver of the car must not have seen the boy, because the vehicle completed the turn and drove on