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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and Eternal God, help us to find ourselves that we may find You and discover one another. Lord, lead us to become part of Your family, part of one another, bound together by ties of Your love.

Unite our lawmakers. Their tasks require strength beyond their individual abilities. Lord, they need Your wisdom and might for this time of challenge. Show them the road on which they can make bipartisan progress and give them the courage to do Your will. Remind them that those who sow sparingly shall reap sparingly and those who sow bountifully shall reap bountifully. Help them to see the unfinished work that is theirs to complete.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will proceed to a period of morning business, with the time until 5:30 this evening equally divided and controlled between the two leaders or their designees. As has been previously announced, there will be no rollcall votes today. There will be votes, though, tomorrow, as early as 11 a.m.—probably about 11:10 a.m.—and we will begin voting in relation to the following items: McConnell amendment on energy, with a 60-vote threshold; the Reid amendment on energy, with a 60-vote threshold—of course, my name is on the amendment because I offered it as part of my leadership responsibilities, but that is an amendment that has been worked on very hard by Senator DORGAN of North Dakota—and passage of the flood insurance legislation. I say, Mr. President, it will be a good day for America when we pass that. That will affect millions of Americans. The Banking Committee did an outstanding job of getting it here ready for passage. Senators DODD and SHELBY did a wonderful job in completing that legislation. And we will also have, tomorrow, a cloture vote on the motion to proceed to H.R. 980, first responders collective bargaining. With that being the case, we will probably complete our last vote—let's see, we have four votes an hour—maybe about

12:15, something like that, we will start the last vote, give or take a few minutes.

So between now and the Memorial Day recess, we have a tremendous amount of work to do. There is so much unfinished business. But let me mention a few of the things we are going to complete or give it our very best.

The first responders collective bargaining bill: We will be on that tomorrow. The farm bill conference report: We expect the House to consider the conference report as early as Wednesday. We need to complete it before we leave this week, which brings me to the point: We are going to do everything we can to see that we can complete our business by noon on Friday. But that is no guarantee. There will have to be some cooperation among Senators; otherwise, we are going to have to work—I know this is difficult because people have responsibilities other places outside Washington, but we very likely could have some work Friday afternoon, hopefully not very late in the day. But I do not know. Everyone should be prepared and arrange their schedules accordingly.

We have this week and next week. One of the things we need to do is appoint conferees to the budget resolution. The House is expected to appoint conferees this week. There is a statutory 10-hour limitation on debate to go to conference. As Senators know, motions to instruct are in order. I will work with the Republican leader on an agreement to move the process forward in an orderly fashion; otherwise, we will do it in a disorderly fashion, and we will have only 10 hours to be disorderly.

We also have a statutory direction to complete a resolution of disapproval, either yes or no, regarding FCC media ownership rulemaking. The reason we are able to do this, Senator Don Nickles of Oklahoma and I worked in the early 1990s to pass—and we did—a piece

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of legislation that says if the administration or an agency promulgates a regulation, and we do not like it, we can overturn it. We have done that in the past, and that is what this is all about. It is a nondebatable motion to proceed to the resolution, and there are 10 hours of debate with no amendments in order.

We also have—even though we can say it quickly, it is going to take some time—the emergency supplemental, which will be on the floor next Wednesday. We need to complete this before the recess. We are not going to be panicked into completing this. We know there is enough money to fund the troops for a considerable period after the Memorial Day recess. We want to get it done, and we will do our best to get that done, but we are not going to be pushed into doing something we do not think is appropriate.

On judges, I committed to Senator MCCONNELL that I would use my best efforts to have the Senate consider three court of appeals nominees before the Memorial Day recess. I have been working with Senator LEAHY to meet that pledge. The nomination of Steven Agee to be a Fourth Circuit judge should be available for debate late this week or early next week.

We are also trying to move forward on two court of appeals nominees from Michigan. The problem we have had with that is Republicans on the Judiciary Committee complained that Chairman LEAHY is moving these too quickly. So, Mr. President, they cannot have it both ways. If I am going to do what I said I would do, we need some cooperation from the Republicans. I cannot push the committee to take up nominees they do not want. It is my understanding these two appeals court nominees from Michigan have been worked out over a period of 6 years. It has taken a long time to get to where we are now. So I would hope the Republicans would back off their slow-walking this. Otherwise, we are not going to be able to complete these nominations before the Memorial Day recess.

Finally, we are going to do our utmost to get a vote on an energy package before we leave for the Memorial Day recess. I repeat, we will likely have to have votes on this Friday. We will do them as quickly as we can. There will be no votes on Monday. We have had a number of requests over many months for people who have things to do in their home States on that day. There will be no votes on Monday. So that is going to make everything very difficult next week because I have outlined the many different things we have to do.

TRAGEDY IN BURMA

Mr. REID. Mr. President, over the past several days, we have seen a terrible tragedy unfold in Burma. The official death toll from that cyclone is unknown. But we know the number is in the tens of thousands. We have tens of thousands missing.

International aid organizations fear we are still in the beginning stages of this catastrophe. It is estimated that more than a million and a half people remain in desperate need of help. They are becoming more desperate every day.

Without international aid and expertise, many of these men, women, and children will likely lose their lives to starvation, dehydration, and disease—cholera, typhoid are two among them.

The relationship between the Burmese regime and the global community is complicated, and that is an understatement. In this hour of staggering desperation, the junta must put politics aside and accept the outstretched hand the world is extending to them.

Burma is a government run by dictators. They are nondemocratic. We have had problems with them for years. Senator MCCONNELL has spoken on this floor over the years focusing attention on the nondemocratic process in Burma and how the international community should join the United States in doing something about this.

Today, finally, one American plane was allowed to land in the country—one. This is a start, but it is far few too many loads of supplies. Not only are the supplies having difficulty getting in, but the military folks in Burma are not allowing the international community to help, and they are the ones who have the expertise.

Each day that goes by is a sad day in that country. We have seen the pictures over the weekend of the children lying dead, having died from typhoid.

The junta must allow more supplies, provide visas to aid workers from around the world, and allow those workers access to regions and communities that are suffering very much.

Senator MCCONNELL and I join together to say to the junta: Let the world in. Let us help.

CONSUMER FIRST ENERGY ACT

Mr. REID. Mr. President, on Friday, oil hit yet another record high. I do not know what it is today. It dropped 50 cents last night to more than \$125 a barrel. But on Friday it was above \$126 a barrel. If it drops—which we hope it does—to \$110, \$105, \$100, \$90, \$95, it should not be a day of celebration. Oil is a difficult problem for our country.

The average price of a gallon of gasoline in America today is now above \$3.60 a gallon. That is the average. In Nevada, it is more than \$3.80 a gallon. Diesel—the fuel that moves the goods we buy—has hit \$4.15, on an average, around the country.

Seven years ago, when President Bush took office, the average price for a gallon of gasoline was about \$1.50. Now it is 2½ times more than that.

At first, the steady rise of gas prices was a nuisance. Then it became a burden. Now it is a full-blown crisis. More than 7 in 10 Americans now say gas prices have created financial hardships in their lives. Nevadans are paying, on

average, \$3,000 more per year for gasoline than they did 7 years ago.

Millions of working people all across America are now spending the first few hours of their workday earning back what they paid for their commute. It costs more than ever to heat and cool our homes. Everything costs more. We have a problem with these people who are paying—in Nevada, \$3,000—more than they did 7 years ago for gasoline. It affects their house payments, car payments, their medicine, whether they can send their kids to college. It is very difficult—what kind of groceries they buy. It wipes out most vacations.

School districts in Nevada and around the country are forced to make cutbacks in the classroom because the cost of school buses has never been higher. I met with the officials of commercial airlines in the United States a short time ago in my office across the hall. They said almost 50 percent of the cost of flying an airplane in America today is fuel. It is not that way in Europe because the dollar is so weak they get it much cheaper than we do.

Small businesses are struggling under the burden of record-high shipping costs. The \$60, \$80 or more Americans are paying at the pump means less money for other necessities—I have mentioned some of them—but the gas pump is just the tip of the iceberg. Almost every part of the economy is weighed down by the price of oil and gas.

The American people deserve both short-term and long-term ends to this crisis. Last year, Congress took the first step by passing new energy legislation that raised fuel economy standards for the first time in almost 30 years and required the Bush administration to investigate market price manipulation. But Republicans blocked our efforts to include a mandate for clean, renewable electricity, and we have seen very little action from the White House on market manipulation.

It is clearly time to take the next step by passing the Consumer First Energy Act, which will help lower prices in the short term and continues to curb our addiction and invest in renewable energy to avoid an even greater crisis in the long term.

First, this legislation includes a provision that ends the billions of dollars in tax breaks for oil companies whose executives have been hauling record profits while we pay record prices. Oil executives are making fortunes. The oil companies—these international cartels is what I call them—are making more money than any companies in the history of the world. Seven years ago, Vice President CHENEY invited oil executives to the White House to write our national energy policy. Is it any surprise that 7 years later the only ones who have benefited from that policy are the oil companies?

The second piece of our legislation forces the oil companies to do their part by investing some of their profits