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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray:

Gracious God, by Your providence we have been given the gift of this day, and from Your hand our needs are supplied.

Give our lawmakers a reference for Your sovereignty and a faith in Your unfolding providence. May their trust in Your guidance lead them to labor for Your honor. May their first aspiration be to hear You say, "Well done." When they are tempted to doubt, infuse them with Your faith. When they are tempted to fear, strengthen them with Your courage. Keep them from becoming weary in choosing the more difficult right, as they remember that in due season, they will reap a bountiful harvest. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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, June 3, 2008.

To the Senate:

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

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER 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, today following my remarks and those of Senator MCCONNELL, there will be a period of morning business until 11 a.m., or when the hour is gone, with the time equally divided and controlled. The Republicans will control the first half—I see Senator CORNYN, ready to begin—the majority will control the second half of morning business. Then we will resume consideration of the motion to proceed to S. 3036, the Climate Security Act. The Senate will recess at 12:30, as we do every Tuesday, for our weekly caucus luncheons, and will reconvene following the official Senate photograph which is scheduled for today at 2:15.

I hope all Senators will make themselves available for the photograph. It takes weeks for the staff to set up to take these pictures. If you look around, you can see in the galleries the lighting. It is very difficult to get the lighting down here to take all 100 Senators. So I hope everyone will be here at 2:15 and be thoughtful and considerate to their colleagues so the staff can get the picture taken as quickly as possible.

FILIBUSTERS

Mr. REID. Mr. President, yesterday there was a vote, as we all knew there would be—an overwhelming vote—to

proceed to legislation to stem the tide of global warming. This strong bipartisan vote came only after the Republicans forced us to file cloture and use more of the Senate's valuable time. Another filibuster. This is, as I have said before, filibusters on steroids. We have never, ever, in the history of our great country, had as many filibusters as this Republican minority has initiated. In a short 10 months, the 2-year record for filibusters was broken by this Republican minority. They have stopped or slowed down everything they could. They have even forced us to file cloture on things they agree on. Why? Because it eats up valuable time.

We now have 12 weeks left until our adjournment time. There is so much to do—so much to do. We are interested in doing the people's business. The Republicans are interested in stalling—stalling. As an example, today we should be on this piece of legislation, but, no, they are going to do as they have done time and time again: use 30 hours.

For everyone listening, what does this mean? The rules of the Senate are that once you file cloture—first of all, it takes a couple days to file cloture. You have to let it wait for a couple days. Now, why would they make us file cloture on this bill? It is bipartisan; it is sponsored by Senator WARNER and Senator LIEBERMAN, but they have done this. So after we file cloture, we come in and we have a vote. Remember, we waste those days while cloture is ripening. Then, to make it even more absurd, the rule is that after cloture is invoked, you have 30 hours. They make us use that 30 hours. It is wasted time. There is no reason we can't be on this bill.

I spoke to one of the Republican leaders yesterday, and he said: Well, we want more time to debate the bill. No one is taking any debate time away from anybody. But shouldn't we be on the bill? So I say time runs out tonight, shortly before midnight, on the 30 hours. In the morning, we are going

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



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to be on this bill. That means we are going to have to stay in until midnight tonight. That is up to the Republicans. That is up to the minority. But we are going to start legislating on this bill tomorrow morning. As everyone knows, the rules around here allow me to have the right of recognition, first recognition. We are going to start legislating in the morning.

I am happy if there is a need for more debate on the bill. This is an important bill. We should have all the debate; people should be able to make their statements. I am not trying to disallow anyone from making their statement, but let's at least legislate, as we should in this most serious body, the greatest debating—they say—body in the world, the Senate of the United States.

This strong bipartisan vote came, as I have indicated, after Republicans forced us to file cloture and use 2 days of Senate time, as I have already outlined. It forces us to waste 2 days for a vote they overwhelmingly supported. Now, the Republicans are forcing us to burn, as I have indicated, another 30 hours of procedural time before we can begin debate. That is two filibusters and more than 3 days of valuable Senate time wasted, all for a vote that most Republicans supported. We should have been on the bill, at the very least, last night.

Why would Republicans set these roadblocks to progress? I have outlined why. They are still in a snit because the American people surprised everyone and we are in the majority. It is a slim majority, but we are in the majority. We believe the people's business should be the issue at hand.

I have said many times Republicans have every right to vigorously debate and oppose legislation on which they have disagreements. That is how the legislative process is supposed to work. The majority introduces a bill, the two sides engage in debate and, in many cases, some type of compromise is reached. Legislation is the art of compromise. Then a vote is taken and whoever has the most votes—then we have a winner and a loser. But most of the time, if you are moving forward, there are only winners, there are no losers.

The Republicans have every opportunity to debate this bill in public and negotiate it in private. That is what we would like to do. If there is some way they think this can be compromised, condensed, made bigger, we are willing to work with them. This is a bipartisan bill. It is their legislative right and obligation—I understand that—to convince Senators who are in disagreement to join with them. But the unprecedented Republican filibustering we have seen renders the legislative process difficult—difficult. Seventy-two times, and add to this almost every time we have had to do 30 hours—sometimes twice.

So I think the American people are clearly seeing the picture. The picture is the Republicans are wanting to maintain the status quo. They are

treading water until President Bush leaves. The good news for the American people is there are only 7 months of that left. I think it is clear what has happened. You see in Louisiana, you see in Mississippi, you see in Illinois, three heavily Republican House seats went Democratic. Why? Because the American people see what is going on, just as they see that global warming is here. The American people aren't going to get lost in cap and trade. What they are concerned about is emissions, lowering emissions. They know it is a problem. They know what is going on in Congress is a problem. That is why we have seen these special elections go overwhelmingly Democratic in places where the Republicans always used to win.

On this legislation, I say to my friends, let's debate the legislation, let's try to work to pass it. Let's try to move forward on it. Stop running out the clock. Engage in the legislative process so we can continue to work toward making the American dream affordable for our country's struggling families once again.

The price of gasoline during the 7 years and 5 months President Bush has been President has gone up 250 percent—250 percent. In Nevada, you can still find a place to buy gas for less than \$4 a gallon, but it is not easy. One of my friends I went to high school with called me—Teddy Sandoval, a wonderful guy. I have known him my whole life. He called me. I thought he was having some personal problem, and he was. Do you know what it was? He said: HARRY, I bought a diesel truck because diesel fuel was so low, and now I can't afford to fill it anymore because diesel has gone way up.

Diesel. I saw over the holiday we just had, the week off we had, in California and Nevada diesel fuel was as much as \$4.50 a gallon. My friend told me he had been in New York, and it was \$5.15 a gallon for diesel fuel.

So I plead with my Republican friends: Let us move forward on this legislation. I have said I don't want to use this term "fill the tree," but we have to have some recognition from the Republicans that we are going to legislate seriously. Do you remember what happened last time when we said let's have an open amendment process? There was a rush to the floor to try to help JOHN MCCAIN on the flawed piece of legislation he had. Thinking the GI bill of rights is too generous—too generous—they rushed to the floor to support JOHN MCCAIN's flawed GI bill of rights. Now, fortunately, Democrats and Republicans saw it was flawed. It took a lot of procedural time. The Republicans, which was never done—never done previously, rarely done previously—would come with a piece of their legislation and file cloture. That was a prerogative that was left to the majority. That was the way it was around here.

So unless we have some agreement that we are going to legislate appro-

priately on this bill, then I think we are going to have to step back and see what we can do because it will appear very clearly that the Republicans are not at least willing to engage in that regard and that they are not willing to engage in serious legislation.

There have been 72 Republican filibusters, and we are going up, not down. That is not good for the country. It is not good for the Senate. I don't think it is good for my Republican colleagues.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half of the time.

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

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that our 30 minutes be allotted so that there is 15 minutes for me and 15 minutes for the Senator from Ohio following my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What is the request, Mr. President?

Mr. CORNYN. Mr. President, I will restate it. Of the 30 minutes of time for the minority, I asked that it be divided between the Senator from Ohio and me.

Mr. REID. So it is my understanding that the Senator from Texas wants an hour of morning business.

Mr. CORNYN. No, sir.

Mr. REID. So it will be 30 minutes for the Democrats and 30 for the Republicans.

Mr. CORNYN. Yes, with our 30 minutes being equally divided between the Senator from Ohio and myself.

Mr. REID. I have no objection.

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

CLIMATE CHANGE

Mr. CORNYN. Mr. President, I heard the distinguished majority leader criticize the Republicans for wanting to have a debate on this piece of legislation. Frankly, I think we would be remiss in our duties if we didn't discuss this important piece of legislation, as complex and difficult a topic as it is and, frankly, ask questions that I know our constituents would ask of us were