

nine more Republican Senators, we would be debating the very bills they are now going to ask us to turn to.

So I urge my colleagues on the Republican side of the aisle, don't become the filibuster party. Become a party that is willing to work on a bipartisan basis to solve our Nation's problems.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

#### HIGH GAS PRICES

Mr. McCONNELL. Mr. President, high gas prices continue to frustrate the American people, and so I think it is important that Congress show we are fully engaged on this issue and ready to help in any way we can. Unfortunately, that means the parties will have to come together on a solution, something our friends on the other side seem, at least so far, stubbornly unwilling to do.

The commonsense solution to this problem, we all know, is a combination of energy exploration in the United States to bring down prices in the short term married to a long-term strategy of energy independence through development of clean energy technologies. If we are going to help Americans in the short term, obviously we need more American energy now, but our friends on the other side don't want to hear it. They think Americans should get used to \$4-a-gallon gasoline.

Asked last week about the sudden spike in gas prices, the Democratic nominee for President said he would have preferred a gradual adjustment. As I have said several times, and others have, I don't think that is the common view in the United States, and I want to give my colleagues on the other side one more opportunity to say that, in their view, Americans shouldn't have to get used to \$4-a-gallon gasoline. I haven't heard a single one of them say so yet, but I can't imagine they agree with their nominee that what Americans really needed was a gradual adjustment to \$4-a-gallon gasoline.

#### FISA LEGISLATION

Mr. McCONNELL. Mr. President, on another issue, Senator BOND reports that the FISA discussions have yielded a rough compromise that may be acceptable to the DNI, the White House, and the chairs and ranking members of the Intelligence Committees. Because the House leadership has denied a majority of House Members a vote on the acceptable Senate-passed bill last year, the burden remains on House leaders to prove they are capable of passing FISA legislation that the President will sign.

#### UNANIMOUS-CONSENT REQUEST— S. 3118

Mr. McCONNELL. Mr. President, I just listened to my good friend the ma-

jority whip spend considerable time this morning complaining about obstruction and delay, so, as I indicated to him in advance, I am going to give him a chance to move forward, if they will just take yes for an answer.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 776, S. 3118, a bill to preserve Medicare beneficiary access to care, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate Republicans had their chance last week to move to any measure relative to Medicare and they chose instead to filibuster and to fail to produce enough votes to move to the debate. This effort here is simply trying to create a political "get well" card for those who voted wrong, and I object.

Mr. McCONNELL. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Did I hear an objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS-CONSENT REQUEST— 18-MONTH EXTENSION

Mr. McCONNELL. Another option we could pursue on a bipartisan basis is to do what we did last December, which is pass a 6-month extension on a bipartisan basis. So maybe we can simply extend existing law for 18 months, the 18-month period being the one we had been discussing before the bipartisan talks broke off.

Therefore, I ask unanimous consent that the Senate proceed to immediate consideration of a Senate bill, which I will send to the desk, and is a clean 18-month extension of the December Medicare bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, our greatest successes in this Congress have come when both sides work together. We have seen it many times, from last year's Energy bill to the economic stimulus package. We started down the same path when we began the Medicare discussion a few months ago. Both sides wanted to prevent cuts to physicians in the Medicare Program, preserve access to the quality medical

care our seniors have come to depend on, and improve the program with things such as electronic prescribing. Unfortunately, the majority walked away from these bipartisan discussions. With the deadline for action approaching at the end of the week, frankly, we need to pass a bill.

I am willing to consider many different options. Senator GRASSLEY drafted a bill that would protect Medicare benefits for seniors and that could be signed into law by the President. It should be passed today in the Senate, but the majority has passed on an opportunity to do that.

I am going to resist the temptation to launch into a speech like my good friend from Illinois about how many times legislation has been blocked by the minority. I think the finger-pointing at this point on this bill is ridiculous. We have a couple of weeks to pass it. We need to get together and pass it.

If the other benefits and improvements to Medicare are unacceptable to the majority, my side is willing, as I suggested a few moments ago, to extend the bill passed in December of last year for 18 months, with a 1.1 percent update for 2009. It was acceptable enough to pass 6 months ago by unanimous consent, so it should be acceptable enough now. It is critical we prevent these cuts from taking effect. This bill would do that. The majority, unfortunately, has objected to that path.

It is some cause for confusion. I thought our friends on the other side were interested in preserving seniors' access to physicians from being compromised. As physicians face a 10.6 percent cut in Medicare reimbursement, we need to be working together. I know I speak for myself as well as Senator GRASSLEY when I say we remain hopeful that the majority will stop playing partisan politics and return to the negotiating table so we can quickly pass this much needed legislation.

#### UNANIMOUS-CONSENT REQUEST— S. 3098

Mr. McCONNELL. Finally, I notified my friend on the other side I also wanted to ask consent that the Senate proceed to the immediate consideration of Calendar No. 771, S. 3098, a bill to extend expiring tax relief. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. That was the extender package, the McConnell-Kyl-Grassley package. That includes the 1-year AMT patch omitted by the House bill that we had a vote on yesterday and extends the provisions that expired in 2007 for 2 years. This is a 1-year

longer extension than in the House bill we had the vote on yesterday.

S. 3098 does not include any tax hikes, reflecting the position 41 Senators took in a letter to Senator BAUCUS on April 23 of this year.

Our Republican alternative also includes the Ensign-Cantwell energy tax incentives, which were approved by the Senate earlier this year, 88 to 8.

In addition, S. 3098 does not contain the New York City earmark. It also does not contain the tax break for trial lawyers. It also does not contain Davis-Bacon expansion. And it also would not be vetoed by the President.

On balance, this is a bill that could pass the Senate and get signed by the President. We hope to pass it as soon as possible.

Let me conclude my remarks by saying that my good friend on the other side of the aisle and I both know how we pass these bills—we pass them together. As he frequently said when he was in the minority and in a position similar to mine, we are not the House. We are the Senate. It is not going to work to turn the Senate into the House. We all know that. Both sides have tried it. We have been in the majority and the minority, and the minority always insists they be part of the process.

We have two important bills here that clearly need to be completed. We all know how to get there—bipartisan negotiation on the Medicare bill and bipartisan negotiation on the tax extender bill.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. I wish to say a word in response to my earlier objections and note the bill related to Medicare, presented by the Senator from Kentucky, the Republican minority leader, failed to include critical provisions that we had in our earlier legislation.

Our legislation would have provided financial assistance to low-income Medicare beneficiaries who cannot afford Medicare premiums and it would have finally moved us forward on the issue of mental health parity. This is an issue that is long overdue. There are millions of American families who are struggling with mental health issues. They understand that the high copayments for mental health services in effect deny service to a lot of those who cannot afford them. We wanted to address that in the bill. We thought it was a priority. The Senator from Kentucky in his measure they brought before us did not include that, and that is unfortunate.

I say to the Senator from Kentucky, I believe in the battle of ideas on the floor of the Senate. Looking back, in the time I have been here I have lost a lot of amendments on the floor. I have come here, brought the amendments, debated them, subjected them to a vote, and lost. But it was a fair fight. People spoke on both sides of the issue. The Senate spoke. That is how it

should be. If the majority prevails, then we move forward. That is the only way this body can work.

But the Republicans have now taken a new approach and that approach is: We will not debate issues. We will not deliberate them. It is a take-it-or-leave-it situation. Seventy-seven filibusters have been used now. They are stopping this Medicare bill. Then when they realize how bad it looks back home—when they know they cannot explain it to seniors and disabled when the doctors who treat them say we are about to take a 10-percent pay cut and I may not be able to see you—they understand it is hard to explain that vote. So then they come to the floor and make a unanimous consent request to say let's drop in a bill and take care of the whole problem.

That is not the way the Senate works either. We don't want to turn the Senate into the House, but the Republican strategy is turning the Senate into a ghost town. We don't do anything here. We have procedural votes three or four times a week and then go home. If those in the Senate were paid on the basis of debate, deliberation, amendments, bills passed and that kind of effort, we would not earn a minimum wage around here because we never get to the substance anymore. There were 77 Republican filibusters so far, the latest on the energy issue.

For the Senator from Kentucky to come forward and say the reason we could not support the idea of moving forward on these energy tax credit extenders was because they involved a tax—do you know who was going to pay that tax? Companies that locate overseas, American companies that go overseas trying to avoid our taxes would have been subject to more taxes. The Senator from Kentucky is saying 41 of his members have taken a solemn pledge not to raise the taxes of those American companies that go overseas to avoid paying American taxes. How about that? Is that what we need in America, more incentives to take jobs offshore?

Senator BAUCUS in the Finance Committee had a reasonable approach to this, taking that money and putting it back into America for tax breaks for our families and to encourage energy production for our future, and the Republicans voted no—time and again they vote no. But the American people will have a final vote on November 4. They will remember the party that is trying to move forward an agenda to make this a better nation and they will remember the party of filibusters that votes no.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 767, H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

#### THE RISING COST OF ENERGY

Mr. CHAMBLISS. Mr. President, I rise to discuss once again the rising cost of energy for Georgians and all Americans. My constituents continue to suffer due to the ever-increasing price of fuel. They are facing very difficult choices—between food and gasoline—between driving to work to earn money for their families and driving to the grocery store to feed their families.

I would like to take just a moment to read some of the letters I have received from my constituents that I think shed light on the real-world impact high gas prices are having on all Americans:

Mr. John Broomfield from Lawrenceville writes:

We are conserving, recycling, buying compact fluorescent lamps, driving less and slower, but we cannot do this alone. You in Congress must have the foresight and vision to pass policies that will actually help us. Please make it possible for our oil and energy companies to search for and extract our own natural resources. No matter where they are!

Mrs. Betty Byers from Marietta writes:

Dear Senator CHAMBLISS,

I appreciate all you can do to help develop a program that will allow the exploration of our country's energy sources without materially affecting our environment. We need to break away from relying on other countries (even our enemies) for our energy supplies. The rising price of gasoline is hurting ALL Americans. PLEASE—put our families first before environmentalists. We are all hurting from the rising cost of gasoline. Please do something ASAP.

I was pleased to hear yesterday both President Bush and Senator MCCAIN highlight their support for oil and gas leases in the Outer Continental Shelf. I think their public support for this effort will raise the profile of this important way in which Congress can act to help increase our supply of oil and gas to help lower gas prices for all Americans.

Is this the only answer? Absolutely not. But certainly this is the right direction to go.

The Department of the Interior released a comprehensive inventory of