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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 28, 2008, at 11 a.m.

## Senate

FRIDAY, JULY 25, 2008

The Senate met at 9:15 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

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

Let us pray.

Our Father in heaven, in the midst of challenges, give our Senators a vision of a land of freedom and justice. Remind them that no nation can be truly great without righteousness and that You possess the power to heal our land. May the work of this legislative body bring unity to the hearts of our citizens and security to our shores. As our lawmakers give their time, strength, and thoughts to the task of freedom, hasten the day when America will be a beacon of hope to our world. Lord, give to our national leaders the inspiration that will enable them to lead this country into making the American dream a reality.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE 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, July 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3268, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

Pending:

Reid amendment No. 5098, to establish the enactment date.

Reid amendment No. 5099 (to amendment No. 5098), to change the enactment date.

Reid motion to commit the bill to the Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith, with Reid amendment No. 5100, to establish the effective date.

Reid amendment No. 5101 (to the instructions of the motion to commit), to change the enactment date.

Reid amendment No. 5102 (to amendment No. 5101), to change the enactment date.

### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Christopher J. Dodd, Byron L. Dorgan, Bernard Sanders, Patty Murray, Benjamin L. Cardin, Dianne Feinstein, Amy Klobuchar, Robert P. Casey, Jr., Ron Wyden, Ken Salazar, Bill Nelson, Debbie Stabenow, Daniel K. Inouye, Sherrod Brown.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 3268, a bill to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

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



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The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 43, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—50

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Collins	Lieberman	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Dorgan	Menendez	

NAYS—43

Alexander	Dole	Murkowski
Barrasso	Domenici	Reid
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hagel	Specter
Chambliss	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	Wicker
Crapo	Martinez	
DeMint	McConnell	

NOT VOTING—7

Allard	Kennedy	Stevens
Coburn	McCain	
Graham	Obama	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 50, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the bill, S. 3268.

The ACTING PRESIDENT pro tempore. The motion is entered.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Pending:

Senator REID entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the amendments of the House to the amendment of the Senate to the bill, with amendment No. 5103, to establish the effective date.

Reid amendment No. 5104 (to amendment No. 5103), to change the enactment date.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Barbara A. Mikulski, Frank R. Lautenberg, Robert Menendez, Patty Murray, Bill Nelson, Daniel K. Akaka, Jeff Bingaman, Ron Wyden, Ken Salazar, Charles E. Schumer, Daniel K. Inouye, Jon Tester, Patrick J. Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, an act to provide needed housing reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 13, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—80

Akaka	Crapo	Levin
Alexander	Dodd	Lieberman
Baucus	Dole	Lincoln
Bayh	Domenici	Lugar
Bennett	Dorgan	Martinez
Biden	Durbin	McCaskill
Bingaman	Feingold	McConnell
Boxer	Feinstein	Menendez
Brown	Grassley	Mikulski
Brownback	Gregg	Murkowski
Byrd	Hagel	Murray
Cantwell	Harkin	Nelson (FL)
Cardin	Hatch	Nelson (NE)
Carper	Hutchison	Pryor
Casey	Inouye	Reed
Chambliss	Isakson	Reid
Clinton	Johnson	Roberts
Cochran	Kerry	Rockefeller
Coleman	Klobuchar	Salazar
Collins	Kohl	Sanders
Conrad	Landrieu	Schumer
Cornyn	Lautenberg	Sessions
Craig	Leahy	Shelby

Smith	Tester	Whitehouse
Snowe	Voinovich	Wicker
Specter	Warner	Wyden
Stabenow	Webb	

NAYS—13

Barrasso	DeMint	Sununu
Bond	Ensign	Thune
Bunning	Enzi	Vitter
Burr	Inhofe	
Corker	Kyl	

NOT VOTING—7

Allard	Kennedy	Stevens
Coburn	McCain	
Graham	Obama	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 80, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SALAZAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I have voted for cloture today because unless we end the Republican filibuster and act on this legislation, we will continue to experience the record-high oil and gasoline prices that are badly hurting millions of American consumers and businesses. Without action on this legislation, these record-high prices will continue to reverberate throughout our economy. I have spoken at length in the last couple of days about the investigations conducted by my Permanent Subcommittee on Investigations and the importance of acting now to address excessive energy speculation as a way of bringing down the extraordinary high energy prices, which are not the result of ordinary operation of supply and demand.

Today, I would like to speak more broadly on energy policy and the need to decrease our dependence on oil. We need a long-term comprehensive energy policy that will decrease our dependence on foreign oil and reduce our climate change emissions while at the same time promote use of renewable energy sources and environmentally responsible domestic production of conventional energy sources. We need a balanced portfolio that includes energy from a broad array of sources—renewable technologies such as solar, wind, and biomass, as well as more conventional sources such as coal and natural gas—and we need to develop new and advanced technologies that will allow us to use that energy in a clean and responsible fashion. I am a strong advocate of advanced technology and believe that the Federal Government must play a key role in the development of that technology, both in providing funds for development and in being an early adopter of advanced technology. Equally important to the successful development of advanced technologies are tax incentives for these technologies across the energy spectrum—including energy efficiency