

truck idling reduction. It goes on and on—a list of ways to conserve energy and look to future uses of energy that are consistent with an American economy that will grow and not be too expensive for the American people.

That is what we have to move to. This afternoon we will give our Republican colleagues a chance to take their signs that say “produce more” and turn them into a vote for this tax program that will produce more. I hope they will join us in this effort.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

HIGHER EDUCATION AMENDMENTS OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 4137, and the Senate proceed to its immediate consideration.

Mr. ALLARD. Mr. President, there is no objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Mr. DURBIN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, the amendment No. 5250 at the desk, which is the text of S. 1642 as passed by the Senate, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid on the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. ALLARD. No objection.

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

The amendment (No. 5250) was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4137), as amended, was read the third time, and passed.

Thereupon, the Acting President pro tempore appointed Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Ms. MURKOWSKI, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, and Mr. COBURN conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. ALLARD. Mr. President, it is time this Senate begin to act on what

it is going to do to increase the supply of energy. It is time to lay aside politics. It is time to begin to look for real solutions to solve this country's energy problems.

What we have heard so far from the other side has nothing to do with increasing the supply of energy. We heard speeches on the Senate floor attacking speculation. Speculation works as a normal way of doing business on the futures market. What is against the law, which creates problems, is if you have manipulation of the markets. That is where somebody goes in and takes some kind of action on the market that somehow is going to artificially drive up the cost of fuel. It is manipulation. The administration has discovered a company or two that is doing that. They have been working on it for some time.

This shows the regulation process is working. We heard testimony in one of the committees on which I serve and we had a discussion on the supply of energy and the manipulation of the markets, and the regulators agreed they need to do more. I agree with that. We need to make sure they have the manpower they need to adequately enforce what we already have on the books.

I am looking for real solutions and my Republican colleagues, I believe, are looking for real solutions because we realize how important it is we become less dependent on foreign oil and not more. It is important for the security of this country, now and 20 to 30 years down the road, that we increase our supply of energy. So we need more energy, and we need to consume less.

Increasing taxes, which has been talked about on this floor, is not the answer. We are going to have a tax proposal that will be brought up, perhaps, on the floor of the Senate that will temporarily cut taxes for renewable energy—and, by the way, I am a strong supporter of renewable energy—and put in place a permanent tax increase on business. That is not the way we should be doing business on the floor of the Senate. That does not increase the production of oil.

Now, making it more difficult to produce more energy through more regulations is certainly not the answer. But we have heard proposal after proposal on the Senate floor claiming they are going to increase the supply of energy by increasing the regulatory environment, making it more difficult to go out and produce energy.

One of the things, in my view, that would produce more energy is utilizing capped wells, we have a lot of capped wells out there. These are existing wells that do not have to be drilled. They were shut down because at one point the economics were such that they could not make a profit with these wells. So they capped them and said: We are going to quit wasting our money on that one and go on to new areas where we can provide more oil for this country—oil and gas.

Well, the cost of the market is such that now it is feasible to begin to open these capped mines. We need to make sure we do not pass a regulation in this body that is going to make it more difficult for them to uncapped those wells. That is a ready resource of energy.

We also heard comment on this floor about the fact that we have all this leased land out here. Leasing land does not equal more oil and gas. Many times, when you go onto a parcel of land and lease it, you have no idea whether there is oil or gas underneath there until you begin to put in some test wells and test the area. Just because you talk about all of this land that is available for leasing doesn't mean there is oil and gas on it. Leasing land doesn't mean there is oil and gas on there.

What happens with many of those leases is they may have found they are not productive. The leases are let out for 5 years or they may be let out for 8 years or 10 years. Then, if they are not producing, they put them back on the market and see if anybody else is interested in using the technology they have to try to discover if there is a source of energy under the surface of that land.

The important point to make is that just because you have land available doesn't mean there is oil and gas underneath it.

So my view is—and I think the view of many Republicans—we need to increase the production of energy, whether it is natural gas or whether it is oil shale, in order to bridge the gap to develop technology that is going to produce more energy in the future. I happen to feel that nuclear power is something we have ignored, and we need to do more in the way of nuclear power to meet the needs of providing adequate energy supply to our businesses and to our homes.

Let's talk about the pain at the pump. Throughout this great Nation, people are struggling with high gas prices. I am looking for some renewables to deal with cars. A lot of the renewables happen to deal with wind, solar, happen to deal with geothermal, biofuels. Now, there is something that might be able to be used with cars, but most of these renewables we are talking about can't be used in the car world.

People are feeling the pain. It is when you pull up to the gas tank and put your credit card in there and you fill up the tank, and when you look at the total at the end is when you really begin to hurt. High gas prices not only affect our ability to get around but increasingly are affecting each facet of our everyday life.

Americans are feeling pain at the pump due to high gas prices, and increasingly they feel pain at the kitchen table too. As gas prices go up, so do food prices. Food prices go up because it costs a lot to produce those food products that will end up on the table. America's farmers and ranchers

produce the safest, most affordable food in the world, but rising energy prices have affected almost every level of agriculture. It has caused everything from fertilizer costs to processing costs to increase. The high cost of diesel and other types of energy are forcing food prices up.

My home State of Colorado produces some of the best tasting produce in the world, including potatoes. In Colorado's San Luis Valley last year, it cost a farmer about \$90 an acre for starter fertilizer. This year, the cost is up to almost \$300. Imagine that. In 1 year, it has gone from \$90 an acre to \$300 an acre. Suppose you have a farm of 100 acres. That is a huge cost, a huge impact on the bottom line. That is right, in 1 year those costs have more than tripled.

Weld County, another agriculture-producing county in Colorado, is one of the Nation's top-producing ag counties. Even in an area that produces as much food as Weld County, people are fighting high food costs.

Higher food costs are affecting all Americans, but they are especially damaging to people dealing with food insecurity. Food banks are struggling to stretch dollars so they can keep food on their shelves. This is food that goes to our most vulnerable populations—impoverished individuals and their families. In Weld County, 32 percent of the individuals served by our local food bank are children.

Recently, oil hit \$145 per barrel, and from the beltway to Middle America, \$4-a-gallon gas is the frightening norm.

In the face of these challenges to the American economy and consumers, we have failed to take the steps necessary to address this problem either in the short term or in the long term.

This Congress has been ignoring one of the fundamental rules of economics; that is, supply and demand. Currently, worldwide supply of energy is being outpaced by growing demand. That is not only worldwide but here in this country. I saw on the TV a report which said that it is everything we can do to keep up with current demand. So if we were to implement any of the policies we are talking about here to increase supply, we would barely be able to keep up with current demand at the current levels. This is a huge challenge for Americans, and we shouldn't be backing away from that challenge here on the Senate floor.

If we take steps to increase supply, prices will go down. The day after President Bush lifted the Presidential moratorium on drilling in the Outer Continental Shelf, oil prices fell nearly \$7 a barrel. Let me say that again: a drop of almost \$7 per barrel in 24 hours because action was taken that got us closer to putting additional supply on the market. This translates eventually into cheaper gas.

One of the best ways to drive down fuel prices is by finding more and using less. Embracing renewable energy is an excellent way to increase supply.

As a founder and cochair of the Renewable Energy Caucus, I know the importance of using renewable energy, but we are not at a point yet where renewable energy can meet all of our energy needs. We still need fossil fuels.

One of the most promising sources of domestic energy is found in the West, much of it in my home State of Colorado. We have lots of natural gas available on the western side of our State. We also have oil shale which is found not only in Colorado but in Utah and Wyoming that will yield somewhere between 800 billion to 1.8 trillion barrels of oil. This is more than the proven reserves of Saudi Arabia and certainly enough to help drive down gas prices and bring us closer to energy independence.

However, we cannot delay. Some people say it is going to take 10 years to develop this resource. Well, are we going to wait another 10 years before we start developing a resource that is going to take 10 years to develop? We can't continue to delay these kinds of policies; we need to act now so we can begin to give the American people some relief.

We aren't taking the steps necessary to utilize the resources we have and to cut back on the \$700-plus billion we send overseas annually for fuel because the Democrats in the Senate and in the House of Representatives have prevented the Department of the Interior from even issuing proposed regulations under which oil shale, for example, could be moved forward.

My position is that we need to put the regulations in place so that then the leases can be let. If you expect oil companies to go and begin to lease all of the land that is apparently available and that they thought was available for lease, if you want them to do that, they have to know the rules of the game. They have to know what is going to be their return on their investment. They have to know what the lease rates are going to be. They have to understand the market forces. They need to understand what the remediation is that might be required. They need to understand what environmental laws they have to deal with if they go ahead and happen to put in place a project to extract oil shale.

By the way, the technology in oil shale has changed significantly. We have moved that basically from a mining operation in Colorado to an in situ process where you leave the rock in the ground, you heat the ground and extract basically a high-quality jet fuel that needs further refinement with nitrogen sulfur. So that is how far the technology has come. It has gone from a mining operation to where you have in situ technology where you leave all the heavy, tarry stuff in the ground, you extract a good-quality fuel, and it has a lot of environmental advantages when you use that process.

So it is time for us to move forward. It is time for us to quit bickering about profits that are made by oil companies.

It is time for us to stop blaming the President. It is time for us to recognize that it is a supply-and-demand issue. We need to supply more, we need to encourage less consumption through conservation, and we need to begin to move forward on this Senate floor and pass some meaningful legislation.

Mr. President, I now yield the floor.

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

Mr. VITTER. Mr. President, I also come to the Senate floor to join so many of my colleagues in urging the distinguished majority leader to allow a full and open debate and an open amendment process so we can address the single top issue in the hearts and minds of the American people; that is, gasoline prices—energy. We all know it is beyond discussion, it is beyond debate that this is the concern, this is the top challenge the American people face.

In my home State of Louisiana, I hold townhall meetings all around the State on a very regular basis. For months, this issue hasn't been the first question at each and every one of those townhall meetings, it has been the first 10 questions. That is no different from any other State in the country. Gasoline prices, energy prices are hitting all of our neighbors' pocketbooks. It affects every Louisiana family, every American family. So they ask a simple question: Why isn't Congress acting? Enough talking, enough political maneuvering. Why don't you come together and act?

That is what we should do. That is what we should do right here and right now on the floor of the Senate. So I urge the majority leader to lift his block of all amendments on the pending energy bill so that we can have that full and open debate, that full and open amendment process.

The last two times this body considered the issue of energy in a significant way, we had that sort of open debate.

In 2007, we were on an energy bill for 3 whole weeks. We took 16 rollcall votes on amendments, 22 rollcall votes on the entire bill. The total number of amendments proposed was 331, and actually 49 of those were agreed to, some by unanimous consent, others through those 16 votes I alluded to. That was when the price at the pump was about \$3 a gallon, not \$4 a gallon as it is now.

Before that, we also debated energy in 2005. We had 19 rollcall votes on amendments over a period of 2 whole weeks. We had 23 rollcall votes on the bill overall, 235 amendments were proposed, and actually a total of 57 were adopted. That is when the price at the pump was \$2.26 a gallon, not at four bucks as it is now.

So now that the price is about \$4 a gallon, now that it is the top concern of the American people bar none, why can't we have that open process and open amendment process as we have in the past? The American people want action.

I have filed seven amendments specifically, and I wish to outline them briefly.

My first amendment, which has been so far barred from coming to the floor, would develop alternative energy offshore in the gulf and other places where there is the ability offshore to develop new alternative energy, including wind farms.

My second amendment would increase domestic production offshore. It is a version of my ENOUGH Act and would also have that alternative energy offshore component of it tied into the second amendment.

My third amendment would repeal the moratorium on Outer Continental Shelf production outright and would also have the alternative energy offshore piece as a part of that amendment.

My fourth amendment would repeal outright the moratorium Congress passed several years ago that blocks shale activity in the Western States—exactly the activity my distinguished colleague from Colorado was talking about—as well as the alternative energy offshore piece attached to it.

My fifth amendment would streamline the permitting process for refinery expansion. Refinery capacity is just as important an issue as exploration and production, and we need to do a lot better to increase refinery capacity in this country domestically.

My fifth amendment to do that is by streamlining the permitting process for existing refineries to expand, which is a good place to start.

My sixth amendment would also streamline a regulatory process, the permitting process for offshore leases, because every person in the business I talk to says even when they get access—of course, blocking access is the biggest issue—the Federal permitting process is way too long and cumbersome and uncertain. We need to streamline that in a reasonable way.

My seventh and final amendment would expand the seaward boundary for Louisiana, Mississippi, and Alabama to match the seaward boundary of Texas to the west and Florida to the east. Right now, those two States, Texas and Florida, enjoy a seaward boundary of 9 miles from the coast, meaning the first 9 miles of the gulf off of the coast is State waters. But for Louisiana, Mississippi, and Alabama, that is only 3 miles. That is unfair. We should expand that to 9 miles to match Texas and Florida, which will have the impact of spurring production in those waters because the State regulatory process is far less onerous, unreasonable, and cumbersome than the Federal process.

Mr. President, other Senators have good ideas. I strongly support, obviously, my seven amendments. I have worked hard on them. I have cosponsors and I have introduced them. There are other good ideas as well.

The main point is we need an open process. We need the ability to call up amendments, to debate amendments,

and to have votes on these good ideas because the American people want us to act like grown-ups and act on this single most important issue they face in their everyday lives.

Mr. President, what I find frustrates citizens back home more than anything is this impression they so often have that what we do here is in a different universe from the real world and is divorced from their everyday struggles and everyday lives. I am afraid the distinguished majority leader is reinforcing that notion by not allowing these amendments, these votes, not allowing an open process on the single top issue Louisiana families and all American families face.

I urge the majority leader to reconsider so we can truly come together and do the people's business on what is the single top issue.

I yield the floor.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for the next 15 minutes.

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

THE JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT OF 2008

Mr. BAUCUS. Mr. President, in the book, "The Ethics of the Fathers," the sage Rabbi Tarfon taught:

It is not up to us to finish the work, but neither are we free to avoid it.

Later this week, the Senate will vote on the Jobs, Energy, Families and Disaster Relief Act of 2008. This bill may not finish all the work that we need to do. But this bill does do work that we are not free to avoid. I urge my colleagues to vote to invoke cloture on the motion to proceed.

This legislation is important to our economy, to our energy security, and to the wellbeing of America's working families. And it is also vital to helping people harmed by natural disasters to get back on their feet.

Some call this an "extenders" package. It extends tax incentives that are important to American businesses and families.

It includes the deduction for college tuition and the R&D credit. It includes the deduction for State and local income taxes. And it includes the new markets tax credit which helps spur investment in low-income communities.

But S. 3335 is more than just an extenders bill. It also contains vital new provisions.

It includes tax credits for plug-in vehicles. It includes a long-term extension of tax credits for solar power. And it includes a badly needed fix to the highway trust fund, which finances a large portion of our Nation's transportation infrastructure. That has to be extended; otherwise, a lot of jobs will go wanting. A lot of construction jobs

will not be there, unless we maintain and continue financing for the highway program.

I urge my colleagues to take up this bill and pass it.

The vote this week will not be the first time this year that the Senate has sought to extend this important tax legislation.

In May, the House passed H.R. 6049, the Renewable Energy and Job Creation Act of 2008. That bill included a roughly \$17 billion energy tax package. And it included \$37 billion in other tax extenders. The bill was offset with responsible tax policies that would have changed the timing of tax on offshore hedge fund managers and multinational corporations.

The majority leader tried to take up that bill in June. In fact, he tried twice. But some of our colleagues on the other side of the aisle would not allow us to proceed to the bill.

The first attempt to proceed failed, 50 to 44, on June 10. The second attempt failed a week later, with a vote of 52 to 44.

Some argued that the House bill lacked key items. For example, some said that it should have included relief from the alternative minimum tax.

And some objected to provisions that were in the bill. For example, some said that it should not have included Davis-Bacon protections on prevailing wages.

In response to those and other concerns, I introduced S. 3125, a revised version of the bill that passed the House.

S. 3125 included a one-year patch for the alternative minimum tax. It would prevent more than 20 million families from paying a tax that Congress never intended them to pay.

And in an effort to reach bipartisan compromise, that bill omitted the Davis-Bacon provision.

But my friends on the other side still objected to that package. They expressed concern over other items, such as a provision that allows attorney contingency fees to be deducted in the year that they are incurred, rather than upon disposition of the case.

I worked to address the concerns of my friends on the other side of the aisle. And last Friday, I introduced another bill S. 3335, the Jobs, Energy, Families and Disaster Relief Act of 2008. That is the bill that I hope the Senate will turn to this week.

This legislation includes the core of the previous bill I introduced. It includes a strong energy package. It includes an AMT patch. And it includes the House-passed individual and business tax extenders.

S. 3335 also contains several new items. In response to growing concerns over our Nation's crumbling infrastructure, this bill would shore up the highway trust fund. Last Wednesday, the House passed a stand-alone version of this highway fix by an overwhelming vote of 387 to 37.

And S. 3335 contains billions in relief for those affected by devastating natural disasters.