

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.

And in response to the other key criticism of S. 3125, the one related to attorneys' fees, S. 3335 dropped that provision altogether.

In short, the bill that we will have a chance to vote on this week is aimed at helping create jobs, advancing our energy independence, helping working families, and offering relief to those areas that have experienced natural disasters.

And by making major modifications to past versions of the bill, it is aimed at getting broad support.

Now, some Senators really want to vote for this because it is the right thing to do. But they are told by the leadership: Don't do it. They want to vote for it; they are chafing at the bit to vote for it, but they are told not to do it. Why, I don't know.

Now some on the other side have also objected that we should not consider a revenue bill that originated in the Senate.

While it is true that the House must originate revenue bills, there is precedent for the Senate's acting in advance of the House.

For example, the other side did just that in moving the Tax Increase Prevention and Reconciliation Act in 2005. The Senate took up its bill, S. 2020, on November 16, 2005, nearly a month before the Senate received the House companion measure.

And in the case of the bill before us this week, I think that it is important for Senators to be able to vote for the improved version of the bill, the bill that includes all the changes that I have been discussing.

And after we get a good vote on this bill, we can move to amend a House-passed bill with our Senate measure.

Congress needs to do more than just extend legislation. Congress should work on new policy, new legislation, and new ideas.

We need to take a hard look at our Tax Code. We need to make it fairer and simpler. I have begun that process, through a series of hearings in the Finance Committee.

We need to address the unsustainable growth in health care costs. I have also begun an effort to that end, through a series of hearings on health care, which accounts for one-sixth of America's economy.

And we need to address the vital need for a new energy policy, one that accounts for the changing realities of our environment, our national security, and our economy.

For more than a year, I have been working to pass a meaningful package of energy-tax incentives. It is a package with the goal of moving this country toward greater energy independence. And it is a package that would help to prepare our economy for a system that also addresses global warming.

These are big challenges. And they will not be solved through one bill, or one congressional session. But even though we cannot finish the work, we

still have an obligation to do what we can.

This bill may not finish all the work that we need to do. But this bill does do work that we are obligated to do.

Let us do that work. Let us invoke cloture on the motion to proceed. And let us provide this help to America's economy, to America's energy security, and to the wellbeing of America's working families.

#### CROW WATER SETTLEMENT

Mr. BAUCUS. President Lyndon Johnson once wrote:

A nation that fails to plan intelligently for the development and protection of its precious waters will be condemned to wither because of its shortsightedness. The hard lessons of history are clear, written on the deserted sands and ruins of once proud civilizations.

I rise today to talk about a proud Nation from my home State of Montana that is planning for the development and protection of its priceless water.

The nation I am referring to is the Crow Nation, and today, along with Senator TESTER, I introduced a bill to ratify the Crow Tribe's water compact.

This compact will protect the Crow Tribe's water rights, provide for the development of municipal and agricultural water systems, and create good paying jobs. Everyone has a right to have access to clean, reliable water, and Senator TESTER and I are here today to help make sure that right is upheld.

In 1908, the Supreme Court established that when Congress set aside land for Native American tribes, it also reserved water rights for the tribes to develop their lands for agriculture. The Crow Tribe has waited nearly 100 years to secure the rights to its water. The bill I am introducing today will ensure that the Crow people can finally access the water that is rightly theirs while protecting the water rights of non-tribal water users.

This bill that Senator TESTER and I are introducing also ensures that the Crow Tribe has the infrastructure it needs to develop its water resources. To this end, the bill authorizes funding for a drinking water system that will bring clean water to families across the reservation. This project will help protect public health and help create good paying jobs.

The bill also authorizes the rehabilitation of the Crow Tribe's irrigation system. The Crows' land is important to their identity, their history, and their economy. Rehabilitating the Crow Tribe's irrigation system will ensure that Crow farmers and ranchers can work their land for generations to come.

Mr. President, the Crow Nation is a proud nation with abundant water resources. The bill I have developed with the Crow tribal leadership is a reflection of the Crow people's good foresight. This legislation will protect the Crow Tribe's water, create good paying

jobs, and ensure that the Crow continue to be a proud and prosperous people.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

#### JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3335.

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6049 be agreed to, the motion to reconsider be agreed to, and the cloture vote on the motion to proceed to H.R. 6049 occur at 3 p.m., with the time until then equally divided and controlled by the leaders or their designees.

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

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the quorum