

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

call time be equally divided between the majority and minority between now and 3.

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 assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

The PRESIDING OFFICER. 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 the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

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 Arizona (Mr. McCAIN) and the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—53

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

Schumer
Smith
Snowe

Stabenow
Tester
Webb

Whitehouse
Wyden

NAYS—43

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo

DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchinson
Inhofe
Isakson
Kyl
Lugar

Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—4

Kennedy
McCain

Obama
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to S. 2035, which is the media shield bill.

The PRESIDING OFFICER. The motion is now pending.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer. I want the distinguished Presiding Officer to know the weather in our home State is much nicer today than it is here.

I support the Free Flow of Information Act, S. 2035, which the distinguished majority leader has moved to. I hope the minority will allow us to consider this important legislation.

I thank the majority leader for his willingness to bring this legislation before the Senate. I have worked with him on this matter to find an opportunity for Senate action since the Judiciary Committee reported this bill last October. I appreciate the support of the majority leader. He has offered a generous response to the bipartisan request Senator SPECTER and I made to him and the Republican leader earlier this year to proceed to this bill. In a bipartisan letter, we asked if he would proceed to the bill. He has done that. I applaud him for it.

Our bill has 20 Senate cosponsors, Members of both parties. I hope the Republican cosponsors will join us in moving to the bill and will bring along the seven or eight Republicans we will need to overcome yet another filibuster and make progress.

I have also supported and urged the Senate to proceed to the strong House-passed version of the Free Flow of Information Act, H.R. 2102. That bill passed the House of Representatives by a vote of 398 to 21—so it obviously has overwhelming bipartisan support. The House bill has more than 70 cosponsors—both Republicans and Democrats alike.

Years ago, my mother and father owned a small daily newspaper in Waterbury, VT, the Waterbury Record. As a child, I grew up hearing, at the kitchen table, that a free and vibrant press is essential to a free society. That has been demonstrated again and again over the last eight years. That is why I cosponsored the Senate version of this bill and I have worked hard to enact a meaningful reporters' shield law this year.

That is why I made sure that for the first time ever—for the first time ever—the Senate Judiciary Committee reported a media shield law to protect the public's right to know. The Judiciary Committee reported a bill sponsored by Senators LUGAR, DODD, SPECTER, SCHUMER, GRAHAM, and myself with a strong bipartisan 15-to-4 vote.

I wish to commend the leadership of Senator LUGAR and Senator DODD in connection with this matter. They began this quest for fairness when it seemed an impossibility several years ago. They have worked diligently to bring us to where we are today—at the cusp of achieving a Federal shield law—if only the Senate gets the support of a handful of Republican Senators to proceed to the bill.

All of us—whether Republican, Democratic or Independent—have an interest in enacting a balanced and meaningful shield bill to ensure a free flow of information to the American people. Forty-nine States and the District of Columbia currently have codified or common law protections for confidential source information. But even with these State law protections, the press remains the first stop, rather than the stop of last resort, for our Government and private litigants when it comes to seeking information. Time and time again—especially during the years when this Congress refused to do real oversight of the current administration—when there was waste in Government, when there were serious mistakes in Government, even when Government was breaking the law, we found out about it first and foremost because of the press in America.

Earlier this year, Toni Locy, a professor of journalism at West Virginia University, also a former USA TODAY reporter, was held in contempt of court for refusing to divulge her confidential sources. There are scores of other reporters who have been questioned by Federal prosecutors about their sources, notes, and reports in recent years. This is a dangerous trend that can have a chilling effect on the press, but even more so, on the public's right to know. If you don't have a free press,