

then when he died. This is their chance.

I thank the Chair and yield the floor.  
The PRESIDING OFFICER. The majority whip is recognized.

DETENTION OF GAMBIAN JOURNALIST EBRIMA MANNEH

Mr. DURBIN. Madam President, America has long been a champion and source of hope around the world for those suffering human rights violations—those holed up in dictators' prisons, those fighting for press and political freedoms, those bravely standing up to tyranny or injustice.

Many of those who have suffered, such as Vaclav Havel and Nelson Mandela, or continue to suffer this fate, such as Aung San Suu Kyi, are well-known to us. Sadly, for each one of them, there are many other, lesser known heroes being detained or harassed all over the world simply for wanting basic human freedoms.

Through our annual human rights reporting at the State Department, our diplomacy, and steady public pressure on basic human rights, the U.S. has traditionally been a source of hope for those being illegally detained or persecuted.

We should never forget what this kind of attention and pressure can accomplish and what kind of strength it provides for those being detained.

Take for example, Ngawang Sangdrol, a Tibetan nun who was detained and tortured for peacefully expressing her belief in Tibetan independence. She was freed after 12 years of imprisonment following immense public pressure. After her release she said,

I have been overwhelmed by the outpouring of love and support . . . I am deeply touched to learn that many individuals, organizations, and governments . . . have worked towards my release. It is very clear to me that I have been released and allowed to come out to the free world for medical treatment and to enjoy my freedom because of international concern.

Or Gurbandurdy Durdykuliev, a political activist from Turkmenistan who in 2004 was seized and forced into a psychiatric hospital by the country's ruling dictator. His crime—requesting permission for a peaceful political rally.

He was released a few years later, just 10 days after 54 members of Congress sent a letter to the Turkmen Government about his case.

We should listen and act upon the appeal made by Aung San Suu Kyi, who has remained under house arrest in Burma for most of the last 19 years:

Those fortunate enough to live in societies where they are entitled to full political rights can reach out to help the less fortunate in other parts of our troubled planet. . . . Please use your liberty to promote ours.

I realize we must also work to address our own recent shortcomings by unequivocally renouncing torture and by closing the detention facility in Guantanamo—and we will continue to work toward ending these shameful legacies.

At the same time, we must continue to speak out in support of those imprisoned for advocating basic freedoms around the world.

Many of us on both sides of the aisle have been arguing that America's strength resonates not only from its military power but from the power of its ideas and inspiration, the power of its values and hope, the power of its generosity and diplomacy—its smart power.

Sadly, I worry that a measure of this leadership, of this inspiration, and of this uniquely American hope has been lost in recent years.

Accordingly, today I want focus the Senate's attention on a tragic story from the small west African Nation of The Gambia.

Chief Ebrima Manneh was a reporter for the Gambian newspaper, the Daily Observer. He was allegedly detained in July 2006 by plainclothes police officers thought to have been from the Gambian National Intelligence Agency after he tried to republish a BBC report critical of President Yahya Jammeh.

He has been held incommunicado, without charge or trial, for two long years. Amnesty International considers him a prisoner of conscience and has called for his immediate release.

I agree.

Recent reports suggest he is being held at the Fatoto Police Station in eastern Gambia. In July 2007, he was also reportedly escorted by the members of the Gambian Police Intervention Unit to the Royal Victoria hospital in the capital for high blood pressure treatment.

Despite repeated attempts by Manneh's father and fellow journalists, including the Committee to Protect Journalists, to seek information on Mr. Manneh, the Gambian Government continues to deny any involvement in his arrest or knowledge of his whereabouts.

My direct request to the Gambian Embassy here in Washington has also been met with shameful silence.

Last month in Nigeria, the Community Court of Justice of the Economic Community of West African States declared the arrest and detention of Mr. Manneh illegal and ordered Gambian officials to release him immediately.

And yet the Gambian Government ignored this court's ruling as well—even though this court has jurisdiction for human rights cases in the Gambia.

Is the Gambian Government so afraid of one of its own reporters that it cannot even acknowledge his detention?

I say to President Jammeh: Release this reporter. Let him return to his family.

Sadly, Mr. Manneh's case is not alone in The Gambia. In December 2004, a critic of President Jammeh, and press freedom advocate, Deyda Hydara, was shot and killed. His murder has yet to be solved or investigated.

The government has also enacted laws muzzling the press and imposing mandatory prison sentences for media

owners if convicted of publishing defamatory or seditious material—all part of a larger deterioration of basic freedoms in The Gambia.

Madam President, the United States needs to be a forceful advocate for these kinds of blatant human rights abuses. Doing so is not only the right thing to do, but it is the smart thing to do in terms of our engagement abroad and in demonstrating our American values.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I withdraw the motion to proceed to S. 2035.

The PRESIDING OFFICER. The motion is withdrawn.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

Mr. REID. Madam President, I made this unanimous consent before and it was objected to.

I move to proceed to Calendar No. 732, S. 3001, the DOD authorization bill—that is the Defense Department authorization bill—and I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

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 S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, Harry Reid.

Mr. REID. Madam President, I ask that the mandatory quorum be waived.

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

Mr. REID. Madam President, I appreciate my friend from Iowa allowing me to do this. He has been waiting for some time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### TAX EXTENDERS

Mr. GRASSLEY. Madam President, at 2:42 today on the Senate floor, the Senate majority leader made an incorrect statement. In discussing the negotiations last night between the chairman of the Senate Finance Committee and this Senator, the Senate majority leader, who was not present at the meeting, stated: "The only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for."

I will make a statement of why this statement is wrong. Specifically, I made three proposals to Chairman BAUCUS. In all three of the proposals, we agreed to use three tax offsets suggested by Chairman BAUCUS and his staff.

The first offset I agreed to accept is the offset that closes the loophole that allows hedge fund managers to defer compensation in tax haven jurisdictions. However, I mentioned we needed to remove the huge charitable loophole that is contained in both the Democratic House and Senate extenders bill. Closing this charitable loophole will raise about \$1 billion in extra revenue from hedge fund managers, according to the nonpartisan Joint Committee on Taxation.

Let me make clear why that is a very important adjustment. If you, the average taxpayer, want to give the maximum the law allows for a charitable deduction, you can only allow 50 percent of your income to be used for that purpose. But if you are under this provision, if you are a hedge fund manager making contributions to a charity, you can have 100 percent deduction. We think that is unfair to the middle-income taxpayer.

The second offset I reluctantly agreed to accept was a version of the worldwide interest allocation offset. We are still waiting on the revenue estimate for this proposal. This was a compromise on my part. That is what it will take from the other side, as well, to get an extenders bill done—some sort of compromise.

The third offset I agreed to accept is a permanent offset regarding basis reporting of securities brokers.

These three offsets that I agreed to accept could—depending on the revised worldwide interest allocation proposal—raise over \$50 billion in revenues as offsets.

As I mentioned above, I made three proposals to chairman BAUCUS. I also offered to use all three offsets mentioned above for each of the three separate proposals that I made; therefore, paying for much of the revenue loss generated by the tax extender provisions.

In two out of my last three proposals, I proposed using those three offsets to offset much of the revenue loss that results from extending these tax extender provisions.

So for the majority leader to say that “the only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for” is simply not accurate. And it is plain wrong. The majority leader was not in the room, and he must have received a false report from someone who actually was in the room. Chairman BAUCUS was in the room. So he knows the majority leader’s statement that the only thing Senator GRASSLEY wanted to discuss was having all of these extenders not paid for is untrue. I ask everybody to ask Chairman BAUCUS.

To demonstrate in detail that the majority leader’s statement is incor-

rect, Chairman BAUCUS and I discussed a number of issues other than offsets in the media. One of these issues was my disaster tax relief package that is needed for the people of Iowa and the Midwest because of the gigantic 500-year floods.

Three other issues we discussed were the three tax offsets I described above. Some other issues that were discussed were provisions in the Democratic leadership’s extenders bill that we objected to, such as the provision regarding the train from Manhattan to JFK Airport that accounts for more than 20 percent of the revenue loss in the Democratic leader’s disaster tax package.

In addition, I offered to make all three of my proposals revenue neutral by suggesting that we use the three offsets mentioned above and also decrease the amount of new increases in spending that were approved in the budget only 2 months ago.

Let me be clear, we did not suggest any spending cuts. We suggested our colleagues on the other side of the aisle consider decreasing the amount of new unspecified nondefense discretionary spending. The nondefense discretionary spending that has been authorized in the budget is \$350 billion greater than the President’s fiscal year 2009 budget. This extra \$350 billion is like an extra checkbook that Congress is carrying around in addition to the already fat checkbook. This checkbook covers nondiscretionary spending and current levels of discretionary spending. We simply ask they take a few checks out of the extra checkbook over the next 10 years to help pay for part of the needed tax relief provisions in the tax extenders package.

However, this suggestion was summarily dismissed by Chairman BAUCUS. My colleagues on the other side of the aisle are unwilling to even consider decreasing their increased—and I emphasize “their increased”—nondefense discretionary spending that is above the President’s budget.

In summary, the majority leader’s statement at 2:42 this afternoon about my position on our negotiations is flat out wrong, and I cannot be any clearer than that.

Folks across the country must wonder why the Senate cannot pass the popular expiring tax relief provisions. There is no disagreement between the parties on the merits alone. Nearly all Members of this body and the other body support the alternative minimum tax fix and also the other parts we refer to as extenders; in other words, tax provisions that have sunsetted. And, of course, because of the good of these provisions, anybody who opposes it would be crazy.

The problem is the committee and floor process have been disregarded by the Senate Democratic leadership. Debate, exchanges of ideas, up-or-down votes are the essence of how the Senate works. All of that Senate process is now bottled up. The Senate process is quite truncated.

For the first time in this decade—that is, since 2001—the Finance Committee members have not been allowed to exercise their rights in the committee markup with respect to these issues, with one exception—the 2002 stimulus bill.

For the first time in this decade, Senate Members have not had the opportunity to debate and amend extenders in a real Senate floor process. For the first time in this decade, Senators in the minority are being presented with a top-down deal crafted between the Democratic leadership of the House and Senate.

For me, the irony of all of this is very compelling because I found myself within the last 2 years, when Republicans were in the majority, condemning Republicans for trying to get around letting the Senate work its will. Almost 2 years ago today, we faced an attempt to end run the natural order of the committee and floor process by the bicameral Republican leadership of the House and Senate; meaning when we were in the majority. I referred to it at that time as wrongheaded. If it was wrongheaded when we had a Republican majority and the Democratic majority is doing it, it is just as wrongheaded, as far as I am concerned, because 2 years ago it was doomed to fail.

I don’t know how many times I told the Republican leadership: It ain’t going to work. And right now we are faced with it when we have a new majority and that new majority is Democratic. Two years ago, it was envisioned as some sort of unicameral, not a bipartisan, bicameral tax-writing committee process. The unicameral tax-writing committee process 2 years ago ignored the rights and the privileges of both political parties. I used sharp words and directed them at my side’s leadership of the House and Senate.

I am sure some on my side thought my comments were over the top. I don’t care. I didn’t care then, at least. Then-Health, Education, Labor and Pensions Chairman ENZI stood shoulder to shoulder with me in this process. My friends on the Democratic side criticized my leadership for the harm it was doing to the rights of the Members of this body that is supposed to be the greatest deliberative body in the entire world of any parliamentary bodies.

That is why I find today’s actions bitterly ironic. I am sorry to say today we find the Democratic leadership attempting to do much the same thing. Like the failed trifecta jam then, today’s jam will not work.

Let me make clear, when I refer to the “trifecta jam then,” I mean 2 years ago when Republican leaders thought they could stuff something down the throats of Democrats in this body. It failed then, and that sort of jam is not working when Democrats are in the leadership position.

It is part of a larger problem with the Senate because we are not going

through the regular order at the committee and floor levels. Issues are building up, tempers are flaring, and most importantly, nothing is getting done and the people are mad about it. The people back home are mad about it.

I reiterate what I said this morning. The fourth vote failed. That failed cloture vote had the effect of Kaopectate. It further constipated the Senate. This legislative body needs to function. Legislation needs to circulate through this body in the usual form. We need real debate and real amendments. We need a legislative laxative.

Another alternative to resolution is an informal bipartisan process. Either way, repeated cloture partisan jams do not lead to an agreement that can pass the House, the Senate, and be signed by the President. And don't forget about that because that is an important part of the process. I think the White House spoke out on some of the AMT and extender legislation we have been considering.

I have my pencil sharpened, a note pad out. I am ready to engage in our bipartisan process with my friend Chairman BAUCUS. I am hopeful the Democratic leadership will relieve the constipation on the tax extenders legislation. The Finance Committee and Senate need to function.

On behalf of Leader McCONNELL, I am going to propound a unanimous consent request about which I already informed the other side. The agreement, if accepted by the majority, would set in motion a process that would lead to resolution of these expired provisions. If accepted by the majority, we would have real debate, real votes, and a resolution that matters.

Madam President, I ask unanimous consent that upon the conclusion of the energy speculation bill, the Senate proceed en bloc to the consideration of the Baucus extender bill, S. 3335, and a bill introduced by Senator GRASSLEY on the same subject of extenders; provided further, that there be 2 hours of debate equally divided in the usual form to run concurrently on both measures; and that following that time, the bills be read a third time, en bloc, and the Senate proceed to vote on passage of S. 3335, followed by a vote on passage of the Grassley bill. I further ask unanimous consent that if either bill does not receive 60 votes in the affirmative, the bill be returned to the calendar.

Mr. DURBIN. Madam President, reserving the right to object, what the Senator from Iowa proposes is that we pay for these tax extenders for energy by reducing domestic discretionary spending. To put that in layman's terms, for the last 4 years, we have frozen the increases of spending at the National Institutes of Health for medical research. Senator GRASSLEY would say, let's continue freezing those increases in spending for medical research so we don't have to impose taxes on American businesses doing business over-

seas. I disagree with that. It is far better that those businesses pay those taxes than we cut back on medical research. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to correct the Senator on a couple of respects, and he has exercised the right I expected. First, we accept the provisions that were in the Baucus bill for offsets. We did suggest a modification on the provision that the Senator said we don't want. He is wrong on that point. We will accept it. There is a slight modification in it that would give an election. We go along with that provision, and I think I made that clear in the remarks I proposed.

The second place the Senator from Illinois is wrong is we are not proposing the cutting of spending. We are proposing the \$350 billion increase that their budget has suggested for additional spending be reduced by a very small percentage.

Mr. DURBIN. Madam President, if the Senator from Iowa will yield.

Mr. GRASSLEY. Yes.

Mr. DURBIN. Madam President, so any proposal to increase spending at the National Institutes of Health for medical research will be reduced by the proposal of the Senator from Iowa?

Mr. GRASSLEY. If my colleague wants to figure that all the \$350 billion is going to go to the National Institutes of Health, he is right. But all \$350 billion, obviously, is not going to go to the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### COST OF ENERGY

Mr. SANDERS. Madam President, I suspect if people are watching what is going on here, they do not have any clue or understanding of what is taking place because, in fact, it is fairly incomprehensible. It is pretty hard to understand why bill after bill dealing with issues of enormous consequence for millions of Americans is being filibustered by the Republicans, which means we have to get 60 votes to end the debate, votes which we obviously don't have. From the beginning of the session, there have been 91 filibusters, which is more than anyone has ever seen in the Senate.

The reason the Republicans are filibustering today is because they want to pass the so-called Gas Price Reduction Act. That is the title of their bill. But I would argue that the title of this bill is a complete misnomer. The so-called Gas Price Reduction Act will not lower gas prices today, which stand at about \$4 a gallon.

All over this country, people are deeply upset about having to pay these outrageously high gas prices. They are worried about what oil prices will be in the winter. They understand the impact of these oil prices on food and other aspects of our economy. And the Republican legislation is entitled "The

Gas Price Reduction Act," but it is not going to reduce these gas prices which are so high today. That is not my view, that is President Bush's view. That is the view of everybody in the world. That is our Republican friends' view. They are saying, quite appropriately and correctly, that if you drill now, maybe in 10, 15, or 20 years, there will be some impact on prices. Well, maybe there will be and maybe there won't be, but there is no argument that in the midst of a crisis today, what they are proposing will have zero impact on our economy right now.

So whatever the merits or lack of merits—and I am not sympathetic to drilling in environmentally sensitive areas in the Outer Continental Shelf—what we should be clear about is that the Republican proposal will do zero to address the crisis of high energy prices today. And again, that is not just my view. President Bush's own Energy Department has said that increased drilling offshore would have "no significant impact" on gas prices until the year 2030, and even then its impact would be negligible. That is what President Bush's own Energy Department is saying.

So perhaps our Republican friends might want to change the title of their bill from "The Gas Price Reduction Act" to the "No Significant Impact on Gas Prices; Maybe By 2030 Act." That would at least be a more accurate description of what they are trying to do. Maybe there will be some impact by the year 2030, but let's not fool the American people. The American people are angry, they are frustrated about what is going on today. And we could argue whether the Republican policy is good or not good, but let's not kid anybody, it is not going to have any impact on gas and oil prices now.

For those who think it is okay not to do anything or see any impact until 2030, I guess they could support what the Republicans are doing. But I know what is going on in Vermont; that is, workers can't afford \$4 a gallon for gas when they are driving 50 miles to work and 50 miles back, and they surely can't afford the price of oil that is coming down the pike next winter. They do not want action in 20 years, they want action now. And in my view, Madam President, that is what we should be doing.

With the exception of my Republican friends here in Congress, there are very few people in this country who believe the oil companies give one hoot about the well-being of the American people. Our Republican friends are saying that if we just give these huge oil companies more acres offshore to drill for oil, they will certainly do the right thing, as they always have, for the American people. Let's just trust those big oil companies because they are really staying up day after day, night after night, worrying about the well-being of the American people. That is what their full-page ads in the New York Times and all their ads are telling us.

Well, it is good to see there are at least some people in America who believe that. I don't, but apparently my Republican colleagues do.

Let me just mention to you, Madam President, just how much concern the oil companies have for the American consumer. While the American people have been paying \$4 and more for a gallon of gas, ExxonMobil has made more profits than any operation in the history of the world over the past 2 consecutive years, making \$40 billion last year alone. Oil prices are soaring, and ExxonMobil is making recordbreaking profits. But ExxonMobil, of course, is not alone. Chevron, ConocoPhillips, Shell and B.P. have also been making out like bandits. In fact, the five largest oil companies in this country have made over \$600 billion in profits since George W. Bush has been President. Yes, they are deeply concerned about the high price of gas and oil. Yes, they really are. It is really upsetting to them. Last year, the major oil companies in the United States made over \$155 billion in profits—in just 1 year.

Let me tell you, Madam President, big oil companies are so concerned about Americans paying high prices for gas and oil that this is what they are doing with their profits. You see, our Republican friends would suggest that what the oil companies are trying to do is explore new areas, do new drilling, produce more oil, and lower prices. Well, I don't think so, frankly. I will tell you what they are doing with their huge profits.

In 2005, ExxonMobil gave its CEO, Lee Raymond, a \$398 million retirement package—among the richest compensation packages in corporate history. They weren't going out looking for new land to drill on, they weren't building more refineries, and they weren't working on energy efficiency. They gave their CEO a \$398 million retirement package.

In 2006, another one of those oil companies that is staying up nights worrying about the American people, Occidental Petroleum, gave its CEO, Ray Irani, over \$400 million in total compensation—again, beyond comprehension to ordinary people.

In fact, there were articles recently in the press suggesting that one of the major problems ExxonMobil had is that they had so much cash in hand, they literally did not know how to invest it or how to get rid of it. That was their major problem.

The situation is so absurd and the greed of the oil companies is so outrageous that these companies are not only giving their executives huge compensation packages in their lifetimes, but they have also created a situation, if you can believe it, where these oil companies have carved out huge corporate payments to the heirs of senior executives if they die in office. I guess this is what happens when you have more money than you know what to do with.

In other words, if, according to the Wall Street Journal, the CEO of Occi-

dental Petroleum dies in office, his family will get \$115 million. The family of the CEO of Nabors Industries, another oil company, would receive \$288 million. So it is not only giving out huge compensation packages; if the CEO dies in office, the family gets a huge package. Madam President, this would be funny if it were not so pathetic in the sense of the impact this type of spending has on the American people.

Not only are huge oil companies using their recordbreaking profits on big compensation benefits for their CEOs, but they are also spending large sums of money buying back their own stock. In other words, when they are making these very large profits, they are not going out drilling for more oil, as our Republican friends are suggesting. Overall, since 2005—3 years ago—the five largest oil companies have made \$345 billion in profit and spent over \$250 billion of that \$345 billion buying back stock and paying larger dividends to their stockholders. That is what they are doing with their money. They are not going out and saying: Gee, how can we do more drilling? Gee, how can we lower the price of oil? They are buying up stock and increasing the benefits to their shareholders.

Last year, ExxonMobil, the largest oil company in our country, spent 850 percent more buying back its own stock than it did on capital expenditures in the United States. And that is a fact.

Let's not kid ourselves. The big oil companies—and I know we are not supposed to talk about this too much in the Senate, but anyone who doesn't believe these oil companies have huge political influence over what goes on here in Washington is surely kidding themselves. Since 1998, the oil and gas industry has spent over \$616 million on lobbying. In a 10-year period, they have spent over \$616 million in lobbying. Now, what does that mean? It means they hire the best law firms in town, they hire former leading Republicans and Democrats—anybody can come in and work with Members of Congress—to get their way. That is one of the reasons why, among many other reasons, this Congress, in recent years, has decided to give some \$18 billion in tax breaks to oil companies despite their recordbreaking profits. Over \$616 million in the last 10 years on lobbying, and since 1990 they have made over \$213 million in campaign contributions. And that is a simple fact.

Lo and behold, what we are hearing today—just coincidentally, no doubt—is that the most important thing we can do in terms of the energy crisis is to provide more land offshore for the oil companies to drill at a time when they already have some 68 million acres of leased land, which they are not drilling on today.

The American people want action, and there are some things we can do—not in 15 or 20 years but that we can do

right now. Not only do we need to impose, in my view, a windfall profits tax on these extremely powerful oil corporations, but we have to address what I perceive is a growing understanding that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, JPMorgan Chase, and hedge fund managers are driving up the price of oil in the unregulated energy futures market. In other words, they are speculating on energy futures and driving up prices.

There are estimates that 25 to 50 percent of the cost of a barrel of oil is attributable to unregulated speculation on oil futures. I know the Presiding Officer's committee has had hearings on this issue and other committees have had hearings on this issue. We have heard from some leading energy economists, and we have heard from people in the oil industry themselves who tell us that 25 to 50 percent of the cost of a barrel of oil today is not due to supply and demand or the cost of production but is due to manipulation of markets and excessive speculation. In essence, Wall Street firms are making billions as they artificially drive up oil prices by buying, holding, and selling huge amounts of oil on dark unregulated markets.

Some of my Republican friends claim that the increase in the price of oil has nothing to do with speculation, but it is interesting to me that we have had executives of major oil companies—major oil companies—who have come before Congress and who are saying, "Why is oil \$125, \$130, and \$140 a barrel?" Do you know what they say? The CEO of Royal Dutch Shell testified before Congress and said:

The oil fundamentals are no problem. They are the same as they were when oil was selling for \$60 a barrel.

This is not some radical economist. It is not some leftwinger. This is a guy who is the head of Royal Dutch Shell.

The CEO of Marathon Oil recently said:

\$100 oil isn't justified by the physical demand in the market.

I know my Republican friends have a lot of respect for the oil industry, a great competence in them. They love them and give them huge tax breaks. So maybe they should listen to what some of these guys are saying in terms of oil speculation.

Some people have suggested or implied that those of us—including people in the oil industry—who believe speculation is driving up prices are into some kind of conspiracy theory, that we just want to demonize Wall Street or big investment banks such as Goldman Sachs and Morgan Stanley. Well, I would like to briefly read an excerpt from a research paper done by Goldman Sachs US Economic Research dated June 2, 2008. This is what they say, and I find this interesting:

Lawmakers and regulators have begun to respond to these concerns—

Concerns about high oil prices—

but we still think it is unlikely that there will be any significant legislative changes enacted this year. In fact, it is entirely possible that Congress will adjourn for the year without enacting any further legislation focused on commodity speculation.

And then this is the interesting thing they say:

However, the debate itself could break the rise in energy prices for a brief period until there is greater certainty regarding the legislative and regulatory outcome.

In other words, what Goldman Sachs is saying is that even the debate on speculation in the oil industry could have an impact on slowing down oil prices, and it may well be that is the case. We have seen that in the last 2 weeks or so.

Let's talk a little bit about recent history and speculation and market manipulation in terms of the energy market.

In 2000 and 2001, our friends at Enron successfully manipulated the electricity market, and the results, of course, were that in California and on the west coast electric rates went up by 300 percent. It is interesting to remember—and I remember this—what Enron was saying at that time. They were saying don't blame us, it is a supply and demand issue.

I gather those Enron officials, who may be in jail today, are perhaps still saying that, but we know a little bit differently.

We also know that BP artificially increased prices on the propane gas market. They were fined for that over \$300 million. We also know Amaranth, a hedge fund, manipulated prices on the natural gas market. In fact, in 2006, Amaranth cornered the natural gas market by controlling 75 percent of all the natural gas futures contracts in a single month.

In other words, the idea of manipulation and speculation and control of a market is not a new idea. We have seen three instances in the last 8 years, with Enron, BP, and Amaranth doing just that.

Given that reality, why would we think it is so shocking that is taking place right now in terms of oil?

Let me conclude by saying it is imperative that we move now in terms of addressing the energy crisis. People all over this country are hurting. They want us to act, and we must act. To my mind, one of the things we have to do is to move this country aggressively forward in terms of energy efficiency and in terms of sustainable energy.

Our Republican friends talk about wanting to grow more energy, increase energy supplies. Let me inform them the Sun does that, the wind does that, geothermal does that, biomass does that. It is incomprehensible to me that time after time legislation has come before this body—including today—which will simply extend the tax credits that have been given for sustainable energy, and we cannot even do that.

There are huge economic gains, not to mention moving forward in terms of

global warming and reducing greenhouse gas emissions if we do that. Yet we cannot even get the votes to do that.

We can move forward in terms of a windfall profits tax. We can move forward in speculation. We can move forward in terms of energy efficiency. We can move forward in terms of encouraging the growth of sustainable energy. Those are the things that we can do now. I believe those are the things the American people want us to do.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I would like to speak tonight on the issue of energy as well. We are very fortunate that the Senate is debating the issue of energy. It is the No. 1 issue to the people of this country. Frankly, I find myself very concerned about where this debate is going.

In early July, I asked my fellow Idahoans to contact me and tell me what the high prices of fuel mean in their lives. In fact, I asked them not only to tell me what it meant in their lives but what they thought we ought to do in this country—Congress as well as the rest of the country—what we ought to do about these high prices of fuel.

The stories that came in were remarkable. Overnight I had 400 to 600 e-mails, and we now have over 1,200 e-mails in our office from citizens of the State of Idaho who are feeling the impact of these high prices. It is not just a minor inconvenience in their lives. The stories they tell are poignant. They are disturbing.

One lady wrote in that at the end of the month she and her husband just had enough money left in their budget to either fill their gas tank or to buy their food. They made a choice to fill their gas tank because they had to have the fuel to get to work and keep their jobs. In her response she said she didn't know exactly how they were going to deal with the issue of food.

Others talked about the fact that they were not able to pay for needed medicines. The pressure of fuel versus food versus medicine gets down to the basics in our society. This is not a question of whether to call off a long-planned vacation. It is not a question of whether we have to adjust to some minor inconveniences. We have already done that in our society. This is an issue of changing the quality of life in America that will probably not be able to be fixed or reclaimed if we do not respond to it properly now.

As I said, I also asked my constituents to tell me what they thought we ought to do. The responses were remarkable. I think the people of Idaho have a tremendous amount of common sense. I brag on them all the time. They have come through with all kinds of suggestions about how we ought to deal with this problem, everything from the need to conserve more, to the need to use wind and solar and other

renewable and alternative fuels, to the need to get more production of oil. They get it. They understand the solution to this problem is not just one thing.

Another remarkable thing came across in their responses to me. They are angry. They are angry that Congress is not dealing with the issue because they blame Congress that we are in this problem. I said before, sometimes it is kind of a national pastime to blame Congress for whatever the problem of the day is, but in this case my constituents in Idaho and the rest of the public in this country are right. It is the responsibility of Congress to have established a rational, comprehensive, national energy policy for this country that can help us to be independent and strong in terms of our energy. Congress has failed to do so.

America now needs to move forward. America is too dependent on petroleum as our major source of energy. For that petroleum, we are too dependent on foreign sources. America needs to treat our energy policy like we would treat an investment portfolio. We need to diversify. We need to be as conservative and as careful in the utilization of our energy as possible. We need to be as efficient as we possibly can in terms of the utilization of that energy. And we need to have broad and diverse resources of energy.

At the same time that we are doing that and diversifying—and I hope we could diversify, we here in this Congress, help to establish a broad diversified energy policy—while we are doing that we can't simply say that petroleum is evil and we will no longer ever try to utilize production of oil in this country. It will take us a significant amount of time to transition to an economy that is less dependent and less held hostage to petroleum. While we are doing that, frankly, we need to recognize that we need more production of oil in the United States.

So where are we today in the Senate? We have before us a bill that does one thing: it addresses the futures market, the speculation that the Senator from Vermont, who spoke before me, just talked about. It does nothing else. It seeks to find a solution to our national energy problems in one way; that is, to establish a very aggressive new regulatory regime for the futures market in our country. It does not do so in a very good way. I will talk about that in a few minutes. In fact, it does so in a way that will actually harm our economy and harm our energy security.

The point is, it does only one thing. As it seeks to solve the problem, it tells the American people that we have a rifleshot solution, that we can simply pass this law and we will then fix the problems with energy prices because we will force those markets to have better prices. The solution? A new Government system of regulation that will, hopefully, control prices. Like I say, it is not going to do that, and I will talk about that in a minute.

We are trying to debate this issue and bring other issues forward, and we have been stopped so far. The process in the Senate is not working. Historically, the Senate has been a place of great debate where those with ideas about how to solve pressing problems in our country can bring them forward and those who have different and competing ideas can bring their ideas forward as amendments. And, as we move forward, we would have votes on the floor of the Senate where the majority could prevail and we could craft legislation and craft policy for this Nation in the way that those who established this great country—and those who live in this great country—thought it should be done.

But that is not how it is being done on this bill. We are being presented with a bill that we have now been on for, I think, 8 days. Yet we have had zero votes on any alternative ideas because the majority will not allow amendments to be brought forward in a fair and reasonable way.

This chart shows what was done in previous debates in the Senate on the energy issue. When the Energy Policy Act of 2005 was considered, we spent 10 days on the Senate floor. We had 19 rollcall votes on amendments, 23 total rollcall votes on the bill, there were 235 amendments that were proposed to that bill, and 57 of those amendments were agreed to either by vote or by unanimous consent. At that time the average price of gas was just \$2.26.

In 2007 when we debated the Energy Independence and Security Act, we spent 15 days on the Senate floor, 16 rollcall votes on amendments, and 22 rollcall votes on the bill. There were 331 total amendments proposed during debate on that bill, 49 total amendments agreed to in that debate, and the Senate acted its will.

Again, what are we doing today? For 8 days we have been trying to bring amendments forward to present some alternative ideas, additional ideas about how we should deal with energy policy in our country, and we are told no. We are told: We may allow you to have a few votes on a few selected amendments that we pick, but we will not allow a full, robust debate on amendments.

We must get beyond the parameters of this bill. It has been argued that the speculation in the futures market is controlling or is driving up the price of fuel. The fact is, that is simply not the case. The problem is one of supply and demand.

This chart shows what has happened to the supply of energy, of global crude from 2000 to 2008. You can see, starting in about 2004, primarily through decisions in the OPEC nations, the supply of crude oil has leveled out. Because of a decision to curtail supply, those nations that are engaging in producing the global crude are able to impact the supply and demand curves. Yet demand

at that same time has not leveled out. China and India in particular are increasing their demand for fuel dramatically.

The problem we face is, as the supply curve levels out and as the demand continues to grow, we see unbelievable pressures on the price of fuel. There are those who will say that is not really the way it is and really speculators in the market are driving up the price. It is possible to impact a market in a way that is abusive, and we have organizations that help us on that. But let's look what has happened so far in the speculation, the futures market, trading in NYMEX in the United States.

In the speculation in the derivative markets, in the futures market, every buy must be mirrored by a sell. The theory there has been this immense new pressure for speculation in the futures market creates the impression that there have been all of these purchases that have driven up the price. But as you see from this chart, every time there was someone who thought the price was going to go up, there was someone who had to believe the price was not, who had to be the buyer or seller in that transaction.

When you have the long sells and the short sells virtually mirroring each other, it indicates there is a reasonably effective functioning market.

It has been said on the floor of the Senate that the experts say that speculation is driving up the price of fuel by 20 to 50 percent.

The reality is the vast majority of experts are saying that simply is not the case; that we can evaluate what is happening in the futures markets and determine whether there is being manipulation.

And what is the determination that is being made? A recent report by our Government agencies, including the Commodity Futures Trading Commission, the Federal Reserve, the Treasury Department, and Energy Department, found that speculative trades in oil contracts had little to no effect on the rising prices over the last 5 years.

The Interagency Task Force on Commodity Markets' preliminary assessment is that current oil prices and the increase in oil prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

During the same time period, activity on the crude oils futures market, as measured by the number of contracts outstanding, the trading activity and the number of traders, has increased significantly. The amount of trading in these markets has increased significantly. But while these increases broadly coincided with the runup in crude prices, the task force's analysis is that to this date there is no support for the proposition that speculative activity has systematically driven changes in those oil prices.

In fact, according to the report, if a group of market participants had sys-

tematically driven up prices, detailed daily position data should show the group's position changes preceded the price changes. But the task force data indicates the changes in futures markets participation by speculators have not preceded the price changes. In fact, on the contrary, most speculation traders typically alter their position following a price change, suggesting that they are responding to the supply and demand dynamics, just as one would see in an efficiently operating market.

Furthermore, the President's Working Group on Financial Markets has also weighed in on this debate. They state:

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, the prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of energy markets.

Other experts are saying the same thing. In fact, the amount of experts who are weighing in on this today from all perspectives is overwhelming, to the point that there are very few now who are continuing this mantra that somehow we can solve all of our problems by controlling the futures markets better.

The International Energy Agency states:

There is little evidence that large investment flows into the futures markets are causing an imbalance between supply and demand.

They go on to state, and this is something I think Americans need to hear:

Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply-side access and investment or to implement measures to improve energy efficiency.

Others are respected in market analysis. Warren Buffett recently said:

It is not speculation, it is supply and demand. We do not have an excess capacity of oil in the world any more, and that is what you are seeing in oil prices.

Frankly, one of the more critical aspects of this is that investors in these markets actually provide liquidity to our oil industry. Investors play a very valuable role in the futures market by transferring risks from commercial participants such as farmers and airlines, and providing liquidity, reducing volatility, and contributing to the price discovery process.

One example is Southwest Airlines. Southwest Airlines provides a powerful example of how investors can help companies mitigate their risk. It is called hedging, which is made possible by the participation of investors in trading oil futures. That has saved Southwest Airlines \$3.5 billion since 1999.



How does this work? Let's take an example of an oil producer, somebody who wants to go out and invest some money in a new oil rig or a new refinery, to engage in some production of some further resources, energy resources for the United States, and they want to get a loan for \$5 billion. There is probably no source in the world that would loan them \$5 billion to go out and engage in this new investment unless they were able to hedge that loan, meaning they need to go into the futures market and sell the first 3 to 5 years of production of this facility so they can show the bank or the financing institution that is going to loan them the money that they have a source of capital or cash to repay the loan.

If they are not able to go into a market and make that hedge, they will not be able to get that loan. They will then not make the investment and we will not then see the production. And if there are not those who are willing to invest in that futures market, on the other side of the transaction, those who are called speculators, then we do not have the liquidity in the market for that loan to be adequately hedged.

It is very important for the risk management in our economy that we do not impact our futures markets in ways that will disturb the proper functioning of a true market.

Congress has enacted various tax incentives for renewable energy which also can be impacted negatively by harmful regulation of the futures market. In the same way as the example I gave with regard to those who might want to invest in an oil facility, if there cannot be adequate hedging of investments in wind and solar and other facilities such as that for which we have enacted tax incentives to try to move into renewable energy, then those investments as well without a futures market will not be able to flourish as they should.

These kind of impacts, these kind of dynamics that could occur in our economy from improper regulation of the market are real. Again, some say: Well, you know, the oil companies or someone has been out there, speculators have been manipulating the futures market.

Commodity prices have shot up not just in oil but across the board. This chart shows a number of commodities, from wheat to corn, to steel, to iron ore, nickel, zinc, copper, platinum, all the way along, including oil. This is the line for the WTI oil, that is the futures market in oil right here.

As you will see, there are many commodities that have risen in price over the past few years, from 2006 to 2008, even more so than oil. The point there is, some of these commodities are regulated or traded on futures markets and some are not. The same dynamics of supply and demand are hitting us in other commodities as they are in oil.

According to Robert Samuelson, an economist and Washington Post col-

umnist, the price of corn has increased 70 percent from 2002 to 2007; copper has increased 300 percent during the same time; steel, 117 percent. And interestingly, steel is one of those that is not traded in the commodities market. Neither is iron ore, the cost of which has recently increased by 85 percent in Chinese markets.

The point here is that supply and demand, not investors, is what is driving up the prices in commodities. How else can you explain the fact that raw materials that are not traded on commodity exchanges are increasing at the same rapid pace?

Let's look specifically at the crude oil issue in the next chart. Those who say it is the futures market which is driving up the price of oil would tell you this market right here, the one in red, for West Texas Intermediate, where the futures in oil are traded, is where some not normal increases are being forced, where market speculation is manipulating the price.

Yet if we look at other physical crude oil grades, the West Texas Sour, Light Louisiana Sweet, the Mars, the Dated Brent, and the Dubai, they have all gone up actually higher than the West Texas Intermediate.

Now, I know this is getting down into the weeds a little bit, but the point here is, every one of those other types of oil is a physical crude oil that is not traded in futures markets. There are no speculators driving up these prices or causing these prices to occur. These prices are occurring at the spot where those who produce the oil are selling it to those who use the oil.

One more indication that in market after market after market, not just the futures market, but in every market, the price of oil is going up. And again the reason is because supply and demand is out of balance.

Let me give you another example. Onions. In 1958 Congress had a similar issue to the one we have today. They responded to a sharp increase in onion prices by passing legislation to ban all futures trading in onions. And that law, by the way, is still law today.

But there has been no stabilizing effect on the price of onions. In fact, the price of onions soared 400 percent in late 2006 and 2007, only to drop by 96 percent thereafter, and then increase another 300 percent a month later.

The point is that wide volatile swings in price occur in an unregulated market or in a market where there is not a futures system where speculators can invest and provide more stability. The onion market is a perfect example. Many of the experts who are now weighing in on the oil issue are stating that if we take the opportunity for speculation in the futures markets out of the equation, then we can expect to see wider fluctuations in the price of oil.

Now, is that to say there is nothing we should do in the Senate with regard to futures markets or that there can never be any manipulation or there is

no reason to pay attention to this issue? No. It is possible. It is not easy, but it is possible for very concerted efforts to be undertaken to manipulate markets.

That is why we have groups such as the Commodity Futures Trading Commission that are basically our cops on the beat to make sure they pay attention to what is happening in these markets and stop efforts to manipulate before they occur.

So what should we do? What should we be doing in the context of this piece of the equation with regard to our securities, our futures markets? We need to be strengthening the CFTC. The CFTC has not had a significant staffing increase level since—well, let's put it this way. Their staffing levels at the CFTC are at a 33-year low.

In one of the amendments we wish to bring forward, we would provide the resources for the CFTC to hire 100 new employees, enough staff so they can even more aggressively and effectively monitor what is happening in these markets, and make sure there is no effort to cause a manipulation in any significant way.

In addition, before this Senate, as we speak, we have nominations for three members of the Commodity Futures Trading Commission who still languish on our docket: Walt Lukken, Bart Chilton, and Scott O'Malia. They should have been confirmed by this Senate to the CFTC months and months ago, but they languish because of partisan politics. They need to be moved forward promptly. If we are serious about wanting to oversee these futures markets effectively, then we need to put those in place who are tasked to do so, and to make sure they have the staff to be able to do so effectively.

The CFTC has undertaken a number of steps recently to improve the oversight and transparency of energy futures markets, and we need to give them the resources to get the job done well.

The underlying legislation is based on the premise that we can simply reach our hand in, as the heavy hand of Government and change the price of oil. The reality is the opposite.

I said earlier we need a broad-based approach. Yes, let us strengthen the CFTC, but let's open the floor of this Senate, and let's allow the Senate to debate other ideas. What are some of the other ideas we need to be pursuing?

For one, we need an aggressive perspective on energy efficiency and conservation. With energy and gas prices spiraling upward, America can no longer consume energy as we have in the past. In fact, energy efficiency is often called the fifth fuel because every gallon of gas not consumed and every kilowatt hour not utilized is the equivalent of one produced. The numbers are stark. If you look at the amount we have saved since 1973 through efficiency and energy conservation efforts, it is the greatest source of energy we have. It outstrips petroleum, coal, natural gas, nuclear power, and all others.

We still have tremendous potential for strides forward. The estimates we have before us are that the United States can cost-effectively reduce energy consumption by an additional 25 to 30 percent or more over the course of the next 20 to 25 years. That is a significant fact. That should be a significant part of our national energy policy. The kinds of things we need to do there are the kinds of things we need to be debating and voting on and incentivizing in the Senate.

The Alliance to Save Energy estimates that if the proper energy efficiency measures across the industrial, residential generation and transportation sectors were put into place, we could save \$312 billion a year. The savings in the residential sector alone total \$145 billion a year or \$500 for every citizen over a 10-year period. An example: The new fluorescent light bulbs use one-fifth the electricity of a conventional light bulb and can save \$50 apiece over the lifespan of just one light bulb. Other ways include greater appliance efficiency standards, smart grid technologies, as well as weatherization. Research and technology are key to this. In fact, one of the things we can do in our transportation sector to reduce our reliance on petroleum is to move to low-energy vehicles. Battery research is well underway, and we could move to plug-in hybrids or hydrogen fuel cell vehicles relatively soon, if this Congress would get engaged and incentivize and strengthen our commitment to that technology effort.

We already have implemented new CAFE standards, which was a proper and positive step forward. My point is this: One of the first things we need to do in our rational comprehensive energy policy is to engage in conservation and efficiencies. It is our fifth source of fuel and one of our most significant potential sources.

We also need to move into renewable and alternative energy sources. We have listed a sampling of them here: Hydropower, nuclear, biomass, solar, wind, geothermal, and tidal. Some of them are not at the stage where they can economically survive without support or incentives. Frankly, as a government, we need to be working in every one of those areas to do the research, the technology, and to provide incentive support for us to move aggressively into those areas.

Let me give a couple examples of what we could do. Nuclear power is the only reliable base load generation that emits no carbon or other air pollutants. To supply our growing electrical generation needs, the EIA estimates at least 60 new nuclear plants are needed in the next 25 years to supplant new fossil-fuel generation. But no new plant has been built in the last 30 years. The main reason for this is the facilities are expensive to site and to build. They require enormous amounts of capital for design and construction before any profits can be realized, and our current

regulatory process challenges this whole system and extends just the permitting process so long that it makes it hard financially to make it pan out. Congress could fix that. We need to be as aggressive as we possibly can to incentivize, strengthen, and expand our nuclear energy industry.

Geothermal: An MIT study concluded it would be affordable to generate over 100 gigawatts of geothermal electricity by 2050 in the United States alone for an investment of \$1 billion in research and development over 15 years. To give perspective, that would replace 100 coal plants.

Wind: Idaho is ranked 13th in the Nation for wind energy, and global wind power currently stands at 94 gigawatts per year. China has a plan to equal that itself by the year 2020.

Biofuels and ethanol: I support this diverse energy portfolio, and biomass and biofuels, conventional and cellulosic ethanol, as well as biodiesel, are one part of the solution. As concerns about the rising price of corn mount, the need for commercial cellulosic ethanol production becomes more apparent. It is estimated that 1.3 billion dry tons of biomass can be harvested annually from U.S. forests and agricultural land without negatively impacting food, feed or export demands. What that translates into is enough ethanol to replace 30 percent of the current U.S. petroleum consumption.

Hydropower produces 7 percent of the U.S. electricity supply and almost 70 percent in my part of the world. It also accounts for 80 percent of the Nation's total renewable electricity generation, making it the Nation's leading renewable energy source. Hydropower turbines are capable of converting 90 percent of the available energy into electricity, which makes them more efficient than any other form of generation.

The point is the United States can make great gains to, No. 1, become less dependent on petroleum and, No. 2, to generate much more energy supply, if we will get aggressive about focusing on renewable and alternative energy sources. I have gone through a few in this sampling.

Having said all that, that we can do what we need to, to effectively monitor and control and manage our futures markets, that we need to focus on renewable and alternative energy sources, that we need to have an aggressive efficiency and conservation effort, does that mean we can simply ignore the price of oil? The answer is no. Let's go to the next chart. Even if we were to agree today and the President were to sign into law all these new incentives and the many things we could be doing in terms of conservation, renewable and alternative fuels and the like, it still would take several decades to transition away from being a purely almost totally petroleum-based economy. During that transition time, we still need oil. Oil is going to be key to our energy future now and for years in

the future. While we transition away, we have to recognize that. But today, based on Energy Information Administration estimates, the United States is expected to spend \$570 billion on imported foreign oil in 2008.

If you have been watching the T. Boone Pickens ads and the information that comes on those, the estimates are even higher, as high as \$700 billion. That is \$500 to \$700 billion that flows right out of the U.S. economy to other nations. What does a transfer of that kind of wealth mean? Every year that we send \$500 to \$700 billion outside the United States for other countries to produce oil and sell it to us, we erode our national security through loss of physical control over our own resources. We certainly lose jobs. Imagine the number of jobs we could have in the United States if we were engaged in production of our own oil. We increase foreign holdings of U.S. dollars that are out of our control. We have increased foreign holdings of American debt. We have a loss of domestic investment in huge amounts. Overall, we have a weakened U.S. dollar. We are sending our wealth overseas because we are too dependent on foreign sources of petroleum.

Do we have the opportunity to change that? Can we do any different? Or are we in a situation where the United States does not have access to oil resources? The world is using more oil, but U.S. production has fallen to its lowest levels in 60 years. The IEA projects that global oil consumption is going to grow by 37 percent in 2030; whereas, annual oil production will need to be 13.5 billion barrels higher today to meet that increase in demand. What kind of potential do we have in the United States? Let's go to the next chart.

There are a number of things we can do. The United States must be recognized as one of the strongest and most energy-rich nations, when you think about oil in the world. There has been a lot of debate about the Outer Continental Shelf. The projected OCS resources would equal almost 50 years of imports from OPEC. Think about that. Let's go to the next chart. Our OCS is estimated to have over 100 billion barrels of oil. We yearly import a little over 2 billion from OPEC nations. Simply turning to the Outer Continental Shelf instead of sending all the money we now send to OPEC nations, we could generate that oil ourselves simply on the OCS in the United States.

We have Western shale oil resources. These are phenomenal. Proven American oil shale resources could provide our country with 800 billion barrels of oil, which is more than three times the reserves of Saudi Arabia. This chart shows some very interesting information. Over here is the world's proven oil reserves. I think that is 1.7 trillion barrels of oil. This is the Saudi Arabia proven portion of that. This is the U.S. proven oil shale reserve. Remember oil shale is not considered to be the same



as oil. So if we were to take the oil shale and then produce it into oil, what could we start doing in comparison to the oil available in the world? This is what we know we have: U.S. proven oil shale reserves, 800 billion barrels. But there are estimates that the 800 billion barrels is low and that we actually have up to 2 trillion barrels of oil available in our oil shale reserves. Yet we send dollars overseas to get our oil.

So we have the OCS and the oil shale reserves. We have the Arctic National Wildlife Refuge, and we have debated this in the Senate and House for years. But projected resources in ANWR would equal over 17 years of our imports from OPEC. Again, another major source of oil that the United States can access.

The reason I am going through this is to show that the United States does not have to be dependent on foreign nations for our oil. We have other resources. The U.S. onshore resources—and that is not the Outer Continental Shelf but what we have right here onshore—are shown here at basically 35.5 billion barrels of oil. The yellow part NWR; the red is all the rest. Again, the comparison there is to OPEC. Yet the United States has allowed itself to become so dependent on OPEC that we transport \$570 billion a year to other nations. They are not all OPEC nations, but the vast majority of it goes to OPEC nations.

Another source is coal to liquids. The United States has 496 billion tons of demonstrated coal reserves, which is equivalent to almost 1 trillion barrels of oil, over 30 percent larger than the known Middle East reserves of crude oil. In fact, the United States is often called the Saudi Arabia of coal. But that may actually be an understatement, according to the American Coal Foundation, because domestic coal reserves contain more energy than that of all the world's oil reserves combined. Again, the United States has a phenomenal resource here that we are not taking advantage of.

These are groups that are starting to now come forward—and this is, again, a sampling of the list—coming forward and saying the United States must get engaged in its own oil production.

I know my time is running out, but the response that has been made to this is that: Well, we can't get this oil for another 10 years. In fact, some say we can't get it for another 20 years. Well, depending on the source or the specific location, whether it is the Outer Continental Shelf or the onshore sources or the oil shale, it will take 5, 10, to 15 years to bring this resource into production. My first answer to those who say: Well, this will take 10 years to get on line is that is what you said 10 years ago. In fact, it was what was said 15 years ago; it was what was said 20 years ago. We need to make the step now to begin making the United States less dependent on foreign sources of oil.

It is also said we have 68 million acres of lease land that is not being

produced right now. Well, let's take another look at what that means. That assumes somebody is basically hoarding acreage on leased land. The success rates for new onshore and offshore oil leases are not 100 percent; in other words, not every lease the United States issues results in oil being produced commercially. The reason is there is not oil underneath all the land. The companies that have to make the investment to go out and explore for it and then ultimately produce it don't know for sure whether there is oil under there when they purchase the lease. So it takes about 10 years of time from the purchase of the lease to go through the exploration process, and then if there is oil found, the permitting process, and then they move forward.

Most of the obvious places have already been leased out. The new leases are generating onshore about 10 percent success; offshore, 20 percent; and then in the shallow offshore, 33 percent success. The point being it is far too easy to simply say: Well, we have 68 million acres of leases out there; let's rely on those. Those leases are all in the process of either being explored or being returned because they are not being produced.

Let's look at the next chart. This chart shows what the status of these nonproducing leases is. For those who say let's go out and get the 68 million acres of leases and use them, right now, 50 percent of them are in the data-gathering process and they will either be produced or returned, depending on whether there is oil there that can be commercially found, but they are in the process of being pursued. Twenty-five percent they have found oil on and they are drilling or they are preparing for drilling. In another 10 percent, they have confirmed discovery and they are under construction. In 15 percent, the initial analysis is complete, and there is low commercial potential and they are likely to be returned to the Federal Government. That is the status of the ones that are currently not producing.

The point, though, is those who argue we should rely totally on the current status of our lease effort are saying let's have no new production. Everything they are talking about is either in production or in exploration or in preparation for production, but what they don't tell you is that 85 percent of the Outer Continental Shelf off the lower 48 States is off limits to development. There are no leases there. Eighty-three percent of the onshore Federal lands are currently off limits or facing restrictions to development. There are no leases there.

If you go back and think about the potential we have in the offshore oil, in the oil shale, in ANWR, in our onshore oil, and in the tremendous coal-to-liquids potential we have, there is no reason the United States should not aggressively seek to become energy independent in the arena of oil.

There are those who say: Well, that is because the big oil companies have the Republicans in their pockets and as we heard today, there is plenty of oil being produced. We just have to look at these acres, these leases that are not being used. Again, the reality is the United States of America, since the 1970s, has said no, basically no to further production, and that is why we see us increasingly and more increasingly dependent on foreign sources of oil.

In conclusion, the United States faces very serious threats to our future way of life. Our national security and our economic security are at risk. It is appropriate that we be here debating in the Senate on this issue. What is not appropriate is that ideas about all of these different kinds of production and renewable and alternative energy sources and conservation and efficiency measures are not allowed to be debated on this floor. Instead, we are told we are simply going to have a new government regulation system and the government is going to have a little more control of our markets and that is going to fix the problem of oil, and that is going to make it so the price of gas goes down. Well, it is not. I call on our leadership in this Senate to simply allow us to have a traditional, fair system of debate on the floor on the energy issue so we can debate all of these ideas. If some of them are bad, let them be voted down, but let's debate these ideas and the many ideas that others of my colleagues have about how we should solve our energy crisis in this country. I am confident if we will allow such a full and robust debate to occur, a tremendous amount of good ideas will come forward, and out of that debate will come a comprehensive, rational national energy policy that will focus on a diversification on our approach to energy and will put the United States on a sound, strong pathway toward energy independence.

If we don't do that and we refuse and shut down debate and allow only some kind of a market regulatory solution to be put into place, we will find we will have fouled up our markets, caused volatility in the price of oil. We will not have done anything to generate one more drop of oil or one more kilowatt of electricity or one more energy conservation effort that would reduce the consumption of oil or electricity, and we will see gas prices continue to rise.

It is incumbent upon us as Senators to call for a full debate. If we do so, the United States has the capacity, the resources, the ingenuity, and the ability to become energy independent and to become strong in the context of our energy policy.

Thank you, Mr. President.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

### MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

### COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ASSIGNMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached list of subcommittee assignments for the Committee on Appropriations be printed in the RECORD, to supplant the list printed in the RECORD on November 2, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUBCOMMITTEES

Senator Byrd as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl,<sup>1</sup> Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett,<sup>2</sup> Cochran, Specter, Bond, McConnell, Craig, Brownback. (8-7)

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski,<sup>1</sup> Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby,<sup>2</sup> Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9-8)

#### DEPARTMENT OF DEFENSE

Senators Inouye,<sup>1</sup> Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran,<sup>2</sup> Stevens, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10-9)

#### ENERGY AND WATER DEVELOPMENT

Senators Dorgan,<sup>1</sup> Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici,<sup>2</sup> Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9-8)

#### FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin,<sup>1</sup> Murray, Landrieu, Lautenberg, Nelson, Brownback,<sup>2</sup> Bond, Shelby, Allard. (5-4)

#### DEPARTMENT OF HOMELAND SECURITY

Senators Byrd,<sup>1</sup> Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran,<sup>2</sup> Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9-8)

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein,<sup>1</sup> Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Allard,<sup>2</sup> Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Alexander. (9-8)

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin,<sup>1</sup> Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Spec-

ter,<sup>2</sup> Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8-7)

#### LEGISLATIVE BRANCH

Senators Landrieu,<sup>1</sup> Durbin, Nelson, Alexander,<sup>2</sup> Allard. (3-2)

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson,<sup>1</sup> Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison,<sup>2</sup> Craig, Brownback, Allard, McConnell, Bennett. (7-6)

#### STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy,<sup>1</sup> Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg,<sup>2</sup> McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8-7)

#### TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray,<sup>1</sup> Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond,<sup>2</sup> Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11-10)

<sup>1</sup> Subcommittee chairman.

<sup>2</sup> Ranking minority member.

### TRIBUTE TO KENTUCKY'S KOREAN WAR VETERANS

Mr. MCCONNELL. Mr. President, I rise today to honor the service and sacrifice of the hundreds of Korean war veterans living in the Commonwealth of Kentucky. This July 27 marked the 55th anniversary of the cease-fire that ended that conflict.

After 3 years of battle which nearly forced American and South Korean troops from the peninsula, the determination and bravery of our servicemen prevailed. Our heroes in uniform ensured that the people of South Korea would remain free.

Recently, nearly 300 Kentuckian Korean war veterans were recognized for their service by retired Korean Major General Seung-Woo Choi. Major General Choi was a child during the Korean war, but he wanted to say thank you to the brave Americans who fought to protect his and his family's freedom. So he traveled from South Korea to my hometown of Louisville, KY, to honor them.

I ask unanimous consent that the full newspaper article describing this ceremony be printed in the RECORD. I know the entire U.S. Senate stands with me to recognize the tremendous valor of our veterans, and to honor the sacrifice of those who did not return.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, July 25, 2008]

#### KOREAN WAR VETS HONORED: S. KOREAN GENERAL PRESENTS MEDALLIONS

(By J.D. Williams)

Looking back, Joseph Scott said he is thankful to be a veteran of the Korean War. In 1950, Scott joined his two brothers, James and Talmadge, and enlisted in the Army.

Yesterday, the 77-year-old and nearly 300 other Korean War veterans from Kentucky were honored at the Kentucky Exposition Center for their service.

"I'm thankful I was there," Scott said of the war. "It was quite an experience."

The veterans were given a medallion designed by retired Korean Maj. Gen. Seung-Woo Choi, who came to Louisville from South Korea to honor them. Choi was a child during the Korean War, but has made it a priority to offer his thanks to veterans of the war that ensured South Korea's freedom.

Since 2002, Choi has presented over 5,000 medallions to veterans across the nation.

People from various veterans' organizations spoke at the event, and the Kentucky Korean Women's Choir performed.

"The sacrifice you made for the Korean people has not been forgotten . . . you saved our freedom," said Charles Park, a native of Korea who is with the Korea Foundation of Kentucky.

Marilyn Mullins, 67, the widow of Edward Mullins, said her husband would have loved to be there. He died in April 2007 of complications from diabetes.

"I wish he could have been here to accept it himself," Mullins said of receiving the medallion. "He would have been glad to meet the general."

She said the medallion is the only award her late husband has been presented. She said he was supposed to receive the National Defense Service Medal, the Korean Service Medal and the United Nations Service Medal, but they never reached him.

James Hall, 76, of Bowling Green, said he was glad to be with fellow Korean War vets.

Hall, who was 18 when he was deployed to Korea, was in the battle at Chosin Reservoir, which he called a "horrible place at a horrible time."

He said the severe cold with snow and without heat and warm food was nearly unbearable, but soldiers endured to ensure South Korea's freedom.

"I had tried to put a lot of things about Korea out of my mind, but it was wonderful to be with the veterans I served with," Hall said. "It reminded me of how important it was for us to be there so South Korea could be free."

### AMERICANS WITH DISABILITIES ACT RESTORATION ACT

Mr. LEAHY. Mr. President, this past weekend marked the 19th anniversary of the passage of the Americans with Disabilities Act, ADA, one of the Nation's most critical and effective civil rights laws. It is fitting that as we celebrate its passage, we reflect on the progress we have made in expanding possibilities for Americans with disabilities and the challenges that still remain.

We passed the ADA in recognition that the bedrock principles of human dignity and equal opportunity require all Americans to be judged on their individual merits and not on the prejudices of others. This law promised generations of Americans the opportunity to leave their mark on a country that had only years before denied them full participation. I, like many of my colleagues, supported this historic act. I hoped it would serve as a vital tool against the barriers that had long excluded persons with disabilities from fully participating in society.

By any reasonable measure, the ADA has been a success. Today, persons with disabilities enjoy rights many of us have long taken for granted. Now they