

Energy research and development would be this, for example: To make, within the next 5 years, electric cars and trucks commonplace—which would mean research on advanced batteries; and to make solar energy competitive within the next 5 years with fossil fuels.

Incentives will help with that. That is in the tax extenders bill that will be coming before the Senate. But in order to accomplish that, we need money for research and development.

Among the other challenges, I suggested carbon capture and sequestration. We need to be able to use our coal plants and we need other ways of capturing carbon than taking it and putting it into the ground. We need it within 5 years as well.

I see my time has come to an end. My point is the same. I like what Senators ENSIGN and CANTWELL have been doing. I like the approach. I would like to see more of that rather than the finger-pointing and blame calling, and one of the areas in which I hope we will work is a dramatic new Federal investment in energy research and development.

#### EXHIBIT 1

[From the Washington Post, Sept. 11, 2008]

#### REIMAGINING ENERGY

(By Susan Hockfield)

Almost 70 years ago, as Germany invaded France, President Franklin D. Roosevelt received an urgent visit from Vannevar Bush, then chairman of the National Advisory Committee on Aeronautics and formerly vice president and dean of engineering at the Massachusetts Institute of Technology.

Bush's message was simple: For America to win the war that was to come, it had no choice but to make aggressive, focused investments in basic science. The case was so compelling that Roosevelt approved it in 10 minutes. From radar to the Manhattan Project, the innovations that decision unleashed produced the military tools that won the war.

That same presidential decision launched the enduring partnership between the federal government and research universities, a partnership that has vastly enhanced America's military capabilities and security, initiated many important industries, produced countless medical advances and spawned virtually all of the technologies that account for our modern quality of life.

Today, the United States is tangled in a triple knot: a shaky economy, battered by volatile energy prices; world politics weighed down by issues of energy consumption and security; and mounting evidence of global climate change.

Building on the wisdom of Vannevar Bush, I believe we can address all three problems at once with dramatic new federal investment in energy research and development. If one advance could transform America's prospects, it would be ready access, at scale, to a range of affordable, renewable, low-carbon energy technologies—from large-scale solar and wind energy to safe nuclear power. Only one path will lead to such transformative technologies: research. Yet federal funding for energy research has dwindled to irrelevance. In 1980, 10 percent of federal research dollars went to energy. Today, the share is 2 percent.

Research investment by U.S. energy companies has mirrored this drop. In 2004, it stood at \$1.2 billion in today's dollars. This might suit a cost-efficient, technologically

mature, fossil-fuel-based energy sector, but it is insufficient for any industry that depends on innovation. Pharmaceutical companies invest 18 percent of revenue in R&D. Semiconductor firms invest 16 percent. Energy companies invest less than one-quarter of 1 percent. With this pattern of investment, we cannot expect an energy technology revolution.

While industry must support technology development, only government can prime the research pump. Congress must lead.

The potential gains—from the economy to global security to the climate—are boundless. Other nations are also chasing these technologies. We must be first to market with the most innovative solutions. We must make sure that in the energy technology markets of the future, we have the power to invent, produce and sell—not the obligation to buy.

How much should we invest? In 2006 the government spent between \$2.4 billion and \$3.4 billion (less than half of the annual R&D budget of our largest pharmaceutical company). Many experts, including the Council on Competitiveness, recommend that federal energy research spending climb to twice or even 10 times current levels. In my view, the nation should move promptly to triple current rates, then increase funding further as the Energy Department builds its capacity to convert basic research into marketable technologies.

Vannevar Bush's insight was his appreciation of the value of basic research in powering innovation. I believe that we stand on the verge of a global energy technology revolution. Will America lead it and reap the rewards? Or will we surrender that advantage to other countries with clearer vision? I believe we can chart a profoundly hopeful, practical path to America's future—through rapid, sustained, broad-based and intensive investment in basic energy research.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, before I begin, I ask unanimous consent that my remarks be immediately followed by Senator SCHUMER of New York.

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

#### UNANIMOUS-CONSENT REQUEST— S. RES. 626

Mr. VITTER. Mr. President, last night the majority leader filed cloture on an unusual bill. It is a bill he drafted, combining 36 completely unrelated bills, making it one big package, the so-called Reid omnibus, which is the anti-Coburn omnibus, or my favorite term, the "Tomnibus."

That is a very unusual and suspect way for the Senate to proceed. Senator REID says it is necessary because all these measures are being blocked by one or two Senators. The only problem with that argument is there are other measures that are being blocked by one or two Senators, but he has not included those in his omnibus because they are his Members who are doing the blocking, who are doing the obstructing, who are in the tiny narrow majority on those bills.

I have one of those bills. I wish to talk about it today. That is S. Res. 626. This is very simple, very straightforward and has the support of the huge majority of the American people

and the huge majority of the Senate. It is a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided the case *Kennedy v. Louisiana* and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

First of all, I would like to thank my cosponsors in this Senate resolution, Senators CRAPO, BURR, CORNYN, DOLE, SESSIONS, KYL, DEMINT, GRAHAM, and COBURN.

I would like to thank so many other Senators who agree with this important resolution and agree with everything stated therein.

As you know, the Supreme Court, in a very narrowly decided 5-to-4 decision, has now construed the Constitution to categorically bar the imposition of the death penalty for the crime of child rape, even though, of course, the document says nothing of the kind. The majority noted that a child rapist could face the ultimate penalty, the death penalty, in only 6 States and not in any of the 30 other States that have the death penalty and not under the jurisdiction of the Federal Government.

One big problem is that Justice Kennedy's confident assertion about the complete absence of Federal law in this area is wrong. It is completely wrong. It is clear that it is wrong. The Federal Government does have jurisdiction and there is a Federal law applying the death penalty, making that available for the rape of a child. Congress—yes, Congress—revised the sex crimes section of the Uniform Code of Military Justice a few years ago, in 2006, to add child rape as offense punishable by death.

The revisions were in the National Defense Authorization Act of that year. President Bush signed that bill into law and then issued an Executive order which put the provisions of that act into the 2008 edition of the Manual for Courts Martial.

My resolution is simple and straightforward. It asks the Supreme Court to rehear the case of *Kennedy v. Louisiana* because they got that aspect of Federal law so very wrong. It says that among the worst of all crimes is the crime of child rape and that there is nothing in the Constitution to take away the death penalty from States, in terms of appropriate penalties for that crime.

The Louisiana district attorney's office in Jefferson Parish has asked for a rehearing on this case on July 21, 2008, based specifically on that very false assertion made before the Supreme Court about Federal law, so that rehearing is being actively considered. It is very appropriate in this context, as the Supreme Court considers right now, as we speak, possibly rehearing the case, that the Senate be allowed to speak on the matter; that the Senate make its voice heard on the matter and point out that rehearing should go forward and that the case was erroneously decided.

This is a serious issue. Obviously, on the face of it, child rape is a heinous crime. But it is even more heinous when you look beneath the surface and understand more about the repercussions.

It has been estimated that as many as 40 percent of 7- to 13-year-old sexual assault victims are seriously disturbed. Psychological problems include sudden school failure, unprovoked crime, dissociation, deep depression, sleep disturbances, feelings of guilt and inferiority, and much more.

The deep problems that affect these child rape victims often become society's problems as well. Commentators have noted the clear correlations between childhood sexual abuse and later problems such as substance abuse, dangerous sexual behaviors or disfunctions, inability to relate to others on the interpersonal level and other psychiatric illnesses.

Victims of child rape are nearly 5 times more likely than nonvictims to be arrested for sex crimes themselves; they are 30 times more likely to be arrested for other serious related crimes.

Justice Alito's dissent summed up the impact and horror of the offense of child rape:

Long-term studies show that sexual abuse is grossly intrusive in the lives of children and is harmful to their normal psychological, emotional and sexual development in ways which no just or humane society can tolerate.

For all these reasons and in light of the clear fact that the Supreme Court got it very wrong with regard to Federal law on the subject, I believe this sense of the Senate is important to pass. I believe that a huge majority of Senators do and will support it on passage and that it is an important statement to make as the Supreme Court actively considers this possibility of rehearing.

I would simply like the same type of opportunity which the majority leader is giving his Members in bundling these other bills into the so-called Reid omnibus, or anti-Coburn omnibus or "Tomnibus." Why can't this provision, which has bipartisan support, which has very strong supermajority support, be passed in an expeditious way as well, so we can make our voices heard in a timely way, as the Supreme Court considers rehearing this very serious case which they got very wrong?

With that in mind, I ask unanimous consent to discharge the Judiciary Committee from further consideration of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana* and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; that the Senate immediately proceed to consideration of the resolution and that it be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, reserving the right to object and I will object, but I wish to make a comment too. First, without stating whether I would be for or against such a resolution—I have not seen the language—there are Members on the other side—on my side of the aisle who do object and on their behalf I am objecting.

I would say this to my colleague. It would seem to me whether one supports the idea of making sure the death penalty extends to rapists, that the best place, when we are dealing with the Supreme Court, is an amicus brief to the Supreme Court, making the legal arguments—because obviously the Supreme Court is not supposed to just listen to what a body such as this believes but, rather, look at the law.

So that might be the appropriate way to go. But having said that, without taking my own personal position on this, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, if I can briefly wrap up, obviously I am disappointed. I understand the Senator's objection. But a great frustration in all of this, in holding bills, in filing secret holds, in everything else, is that we never know on whose behalf those objections are being made.

So I would ask my distinguished colleague if that can be made part of the record. Apparently he did not make the objection on his own behalf, he made the objection on behalf of other Senators. I think it is a legitimate part of the debate and should be an important part of the record to hear on whose behalf these objections are being heard.

With regard to the Senator's comment about an amicus brief, obviously that is being done from a number of quarters. I am participating with groups in doing that. So that suggestion has already been taken up. But I would love to make part of the record on whose behalf any objection is heard.

Again, I would ask the question through the Chair, because it has been a very elusive, frustrating part of this process and this debate, on whose behalf this objection is being made.

Mr. SCHUMER. All I can tell my colleague is more than one Member. And under the rules, I guess that has to be disclosed within 5 days.

Mr. VITTER. Well, I will look forward to that disclosure because that has been a frustrating part of this process and this debate today.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from New York.

Mr. SCHUMER. First, before I get into the substance of my remarks, I apologize to my colleague from Louisiana. It is 6 days after which objections are known, not 5. So that was my mistake.

## THE ECONOMY

Mr. SCHUMER. Today I rise to discuss the recent turmoil in our financial markets. Over the past few days the upheaval in New York has been extreme, as we have witnessed the bankruptcy of Lehman Brothers, one of the oldest and most well-respected financial institutions in the world, the purchase of Merrill Lynch by Bank of America, and the Government takeover of AIG, America's largest insurance company.

Those stunning developments followed closely on the heels of the Government takeover of Fannie and Freddie a mere 10 days ago. And I watched with great sadness those lining up at some of these companies to take their belongings away after years and years of work and heard the tales of woe from my constituents.

Our job here is to cushion the blow for those who are innocent of any wrongdoing and have lost their jobs. I am trying to do all I can to minimize job loss in New York. But it is also to prevent this from happening again. That is why I rise to speak today, to lay out an outline of principles, and a broad-brush plan that might help us deal with this crisis.

These unprecedented events have made it clear to the country what many of us have been saying for some time. We are in the midst of the greatest financial crisis since the Great Depression. After 8 years of deregulatory zeal by the Bush administration, an attitude of "the market can do no wrong" has led it down a short path to economic recession.

From the unregulated mortgage brokers to the opaque credit default swaps market to aggressive short sellers who are driving down prices of even healthy financial institutions based on innuendo, this administration has failed to take the steps necessary to protect both Main Street and Wall Street.

There may not be a silver bullet to fix what is currently dragging down the economy, but we can take steps to mitigate the costs and ensure that the impact of this crisis will be short term. We need to offer a smart, targeted, and timely solution that will help our economy weather this storm and keep as many families from losing their homes in the process as we can.

Every minute matters, and the future competitiveness of the U.S. economy depends on the administration's response. The series of ad hoc interventions in the market over the past 10 days were important to avoid a systemic disaster, but we cannot continue to act in such an uncoordinated and ad hoc fashion.

Furthermore, the Federal Reserve is being asked to do things that go far beyond its mission. I represent 19 million New Yorkers, many of who live on Main Street and work on Wall Street. So I know better than most that our response has to be aimed at both areas. It must protect the downstate economy, and the upstate economy. And