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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, give us this day love and reverence for Your Name. May we trust You so completely that no challenge will intimidate us. Remind us that You will never forsake us and will sustain us through life's storms.

Lord, continue to empower the Members of this body. Help them to grow in their respect and esteem for each other as they become more like You. Strengthen them to live expectantly, knowing that You will supply them with serendipities, wonderful surprises of Your grace. Let Your peace, which passes all understanding, keep their hearts and minds in the knowledge of Your love.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U. S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 9, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,

President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the distinguished Republican leader and I are going to shortly have a conversation that will hopefully help us as a body to determine which direction we are going to go over the next few days. We have before us the Defense authorization bill; 30 hours postcloture is running now. We have our regular caucuses this afternoon, as we always do, and hopefully this afternoon we will start legislating.

Following the statement I just completed, there will be a period of morning business, with Senators allowed to speak for 10 minutes each, with the Republicans controlling the first half and Democrats controlling the second half. Following that, we will resume consideration of the motion to proceed to S. 3001, the Defense authorization bill. The Senate will recess, as I have indicated before, from 12:30 until 2:15 today to allow for the weekly caucus luncheons to occur.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for up to 1 hour, with the time equally divided and controlled and with the Republicans controlling the first half of the time and the majority controlling the second half of the time.

The Senator from Texas is recognized.

### TAKING ACTION

Mr. CORNYN. Mr. President, as we return from the August recess, we return to the same problems Congress left unresolved when we left in July.

As I traveled around the State of Texas, I continued to hear people express concerns not only about high energy prices but high food prices. They are concerned that Congress is not doing enough to deal with this crisis. Frankly, I have to say that as I talked to Republicans and Democrats and Independents in my State, it was hard to find anybody who felt as though Congress is doing its job. That is right. I don't care whether they were Republican or Democrat or Independent, there is a reason Congress has a historically low congressional approval rating, according to most public opinion polls, and that is because people look at Congress and they see not a genuine attempt to roll up our sleeves and try to solve problems but too much partisanship, too much point-scoring, too much posturing for the upcoming election.

I don't know any Member of this Senate who actually ran for election and hoped to serve in this distinguished body who anticipated coming up here and being stuck in the same old replay day after day, month after month, where Congress has essentially become dysfunctional in dealing with the concerns of the American people. Rather, I think most of us hope to come up here and actually make a difference, actually get something done. I know there is concern that if something gets done,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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somebody is actually going to get credit for having solved a problem. I think that is a risk we ought to take because if Democrats and Republicans were actually working together to try to solve problems, I think both sides would get credit and the American people would feel better about their elected officials and feel as though maybe Congress and Washington are somehow a little less disconnected from the rest of the country.

For example, we know that when we left here in August, one of the things we had hoped to do was to get a vote on more domestic drilling to be able to produce American energy rather than depend, as we do—\$700 billion worth—on importing that energy from other sources. I am glad there have been some continuing discussions, and I am hopeful that ultimately we will be able to actually do something—do something relevant, do something responsive, do something significant to deal with these high prices. We know there are several things we can do—yes, conservation is part of it, using less, but also producing more American energy so we are less dependent on importing oil from dangerous and unfriendly regions of the world.

Now, it is interesting, because I think the majority of the American people look at Congress and they don't necessarily distinguish between Republicans and Democrats and who is in charge and who is not in charge. I have to say congratulations to our Democratic friends who won the majority in the Senate and in the House in the 2006 election. That is the good news. The bad news is the Democrats are actually in charge of setting the agenda. When Congress is stalemated over something as important to the average American as Texas family as high energy prices and we are unable to get it teed up so we can actually have a meaningful debate and a vote, an up-or-down vote on more domestic production of American energy, it is because our friends on the Democratic side control the agenda and they so far have refused to allow us that vote. I hope, after traveling their States and listening to the American people over this last month, their position will have softened a little bit and they will be open to this idea of producing more American energy so we are less reliant on imported energy from other countries.

We are going to have a couple of chances to do this. If presumably there were an energy bill that was allowed to come up, that would be one chance. There is another chance we know we are going to have because this is basically the vote we are going to have before we leave that is going to decide whether the Federal Government is going to continue a moratorium on offshore drilling.

For almost 30 years now, Congress has imposed an annual appropriation rider on appropriations bills that has banned exploration and production of oil from offshore sources. We are going

to have a shot at that regardless of what happens because we are going to have to renew that to keep the Government going forward. My hope would be that we would be a little more farsighted than that and we would be a little bit more willing to consider ideas on both sides of the aisle to do what I know the American people are desperate to see Congress do, and that is to actually work together to solve the country's problems on a bipartisan basis and not to continue to turn a deaf ear to people who are in some distress because of high energy prices and all of the consequences associated with it.

We know the economy has moved to the top of the Nation's priority list in the upcoming election, some 56 days from now. Of course, there is more to the economy than high energy prices, but I submit that is a significant—a very significant—part of it.

We need to deal with issues such as obstructing free trade. We have had the Colombia Free Trade Agreement which actually would create markets for American-produced agriculture and manufactured goods in a country that now—my State alone sells \$2.3 billion worth of goods a year to that country, but they are put at a disadvantage because there is a tariff added to the cost of those goods as they are imported into Colombia but not so when their goods are sent to the United States. So wouldn't it make sense, when our economy is softening and when people are concerned about jobs, as we all are, to say: Yes, we need to have more markets for American agricultural produce and for manufactured goods because that would create jobs here at home. To me, it just makes common sense, but we see nothing but obstruction there.

Then, when it comes to suggestions about how to deal with so many issues, our friends on the other side of the aisle—and including, frankly, some Republicans in the so-called Gang of 10 regarding the Energy bill—have proposed raising taxes on domestic oil and gas production by \$30 billion. We tried that before. There is going to be some division, some difference of ideas on both sides of the aisle. We tried that before during the Carter administration, and, because of a windfall profits tax, rather than increasing our independence, increasing our self-sufficiency, we actually depressed domestic production of oil and gas because those taxes were put disproportionately on American-based, shareholder-owned companies when, in fact, you cannot impose those taxes on Saudi Arabia or Canada or Mexico. By Congress, in a discriminatory fashion, imposing those taxes on American shareholder-owned oil companies, it actually depressed domestic production, which is opposite of what we have all said that we want to do, which is to decrease our dependence on foreign oil.

So we have some huge challenges, there is no doubt about it, and the American people are crying out for a

Congress that is actually going to respond to those issues.

We also know that in the national security debate that is so much a part of this Presidential race but ought to be a part of what we focus on—job No. 1: the national security of the American people—they want to make sure there is responsible leadership in place dealing with an ever-dangerous world. If there was any doubt about it, the Russian invasion of the Democratic Republic of Georgia should have reminded people that this is a dangerous world. We cannot let our guard down. We need to remain strong because only from a position of strength will the United States be able to maintain peace. When our enemies see us let our guard down and do things such as try to micromanage the troops and set an arbitrary timetable on when they come home rather than based on conditions on the ground, they see that not as a sign of strength, they see that as a sign of weakness, which emboldens bullies and emboldens nations that would like to take advantage of that.

The last thing I wish to mention in my 10 minutes is that the American people want fiscal responsibility. They want to see Congress actually doing the job we get elected to do and get paid to do. For us to be here now in September having not yet passed a single appropriations bill out of 13 appropriations bills is not fiscal responsibility. It is simply kicking the can down the road and more of the same. Frankly, what the American people do not want to see is more of the same. They want change all right. But I submit to you they want the right kind of change. They wish to see a Congress that is actually functioning, actually addressing their concerns, and actually working together to solve problems.

So far, with this Congress that is controlled by our friends on the other side of the aisle, we have been unable to tee up many of these important issues. I hope in the short period of time we have in the month of September, where we are actually going to be in session, we will have a productive session and work together to try to solve some of these problems because, frankly, our record so far under the Democratic leadership is dismal.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has elapsed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### CLEAN ENERGY INDEPENDENCE

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his wise comments. As usual, he is right on the mark. I want to talk about the same subject, which is on the mind of almost every Tennessean I saw in the last 5 weeks, and I am sure it is on the