

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from California is recognized for 5 minutes.

RELEASE OF ENERGY TASK FORCE RECORDS

Mrs. BOXER. Mr. President, I stand here today to call on Vice President DICK CHENEY to immediately open his records of his secret energy task force meetings and tell the American people the truth about who attended those meetings.

The administration needs to stop fighting this wasteful lawsuit. It has cost hundreds of thousands, if not millions of dollars, that belong to the taxpayers. And it has consumed an enormous amount of time with the Justice Department and other agencies. Today the case is to be heard across the street at the Supreme Court.

It is not too late for the Vice President to come clean. Just tell the American people who attended the secret meetings he held before he issued his energy policy which took the form of this very expensive, beautiful-colored brochure which has, for example, this picture of "Energy for a New Century," and it shows an oil rig in the ocean. By the way, that is not exactly the energy of the future.

The time has come for the Vice President to stop the stonewalling. Simply tell the truth. Who did he meet with in preparing our Nation's energy plan?

First, the American people have the right to know. The last I checked, this country was a free country. It is a country where there is access to information for the people. We pay the salaries of our President, our Vice President, our Senators, our House Members. Unless it is a question of the highest national security, the people have a right to know how their money is being spent or misspent. Why does the administration continue to hide the truth about how its energy policy was formed? It is not necessary to be secretive. It is wrong. The public needs to know how public policies are formulated.

To know that, they need to know who was sitting at the table when this national energy policy was put together. Who was there? Was it a broad array of citizens from all sides of the issue—consumers, environmentalists, people from the oil companies, the gas companies, the nuclear industry—or was it just one set of people?

Second, it is time to stop wasting taxpayers' money. The cost of that lawsuit across the street is very dif-

ficult to pin down. We know the General Accounting Office, which tried to force the Vice President to reveal who was at the meetings, spent over \$300,000 in legal fees to fight DICK CHENEY's stonewalling. From my office's research, we believe attorneys from Justice and the Office of Solicitor General have spent thousands of work hours preparing these documents.

Let me show a chart on what other things these persons could be doing other than keeping the meetings that the Vice President had secreted from the people. They could have been fighting terrorism by seeking and freezing assets of terrorist groups such as Hamas. They could have been prosecuting Medicare fraud. They could have been prosecuting drug companies that falsify data for FDA drug approval. They could have been prosecuting corporations that violate consumer safety laws with toxic products. All those things are in the public interest.

But, no, this Vice President says to these people who work hard every day: Just forget about this. We know we said a lot about cracking down on terrorism, money laundering. We said a lot about cracking down on Medicare fraud and drug company fraud and corporations that violate consumer safety laws with toxic products. Just forget it. Defend me. I am so important. I am the Vice President and the people have no right to know with whom I meet.

It is outrageous. I want the Justice Department to go after criminals, not to keep meetings secret that should be made public.

The Supreme Court has other things to do as well. They defend our way of life, our civil liberties, our human rights. For this court to spend its time listening to Mr. CHENEY defend his secrecy pulls it away from other important issues it could address. It is a waste of the Court's time. It is a waste of money.

I ask unanimous consent for an additional 2 minutes and ask that Senator DURBIN have an additional 2 minutes as well.

Mr. REID. Mr. President, we ask unanimous consent that the majority have an additional 2 minutes as well, a total of 2 extra minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for an additional 2 minutes.

Mrs. BOXER. Two Federal judges have already found that the administration has violated the Freedom of Information Act. Openness is an American value. In the end, openness is a way of life. Do you remember how Condi Rice was not going to testify because the President said that she only reports to him and what she tells him is secret? Well, they caved on that one. They caved on that one because that is not in the public interest, and the people wouldn't stand for it.

Do you remember when First Lady HILLARY CLINTON said she believed she didn't have to reveal who was sitting in

on the health care task force meetings? Well, they were sued. And HILLARY CLINTON, now Senator CLINTON, said: OK, OK. Let's not go to court. I will reveal this information.

But not this administration, not DICK CHENEY. He has a lot of time to bash Senator JOHN KERRY, but he doesn't have time to open up the files and show the people who sat in on those meetings that led to the formulation of the national energy policy. It is remarkable—someone who didn't serve 1 minute, 1 hour in the military is taking on a war hero, JOHN KERRY. But he doesn't have time to pay attention to this issue on which the New York Times editorialized today and said:

[The Cheney] case also raises more substantive issues about the degree to which a vice president can claim to be above the law.

This is a sad day. We already know because the Vice President admitted that Ken Lay attended those secret meetings. Yes, he did. Ken Lay, the man we are hoping will wind up in prison for defrauding the people of California and the people of the west coast of billions of dollars. We know he was in the meeting. We also know he handed the Vice President a document that said: Don't take any action in California.

I call on the Vice President, tell the truth. Cut it out. Walk away from this case and let the people know with whom you met.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

ATTACK ON JOHN KERRY'S MILITARY SERVICE

Mr. DURBIN. Mr. President, over 35 years ago, JOHN KERRY faced his enemies in Vietnam. There were enemies there who were involved in sniper fire against JOHN KERRY, trying to take his life and kill him because he wore the uniform of the United States of America. Sadly, the Vietnam snipers are still trying to cause damage to JOHN KERRY.

The new Vietnam snipers come from the Bush-Cheney campaign: Karen Hughes, sadly the Vice President, and other campaign operatives who are now attacking JOHN KERRY because he served our country. He wore the uniform of the United States of America. He volunteered and put his life on the line in Vietnam.

This shameless exercise by the Bush-Cheney campaign must be called for what it is. Many of us did not serve in the military, even those of us in the Vietnam era. We did not volunteer for service as JOHN KERRY did. We didn't wear the uniform of our country proudly as he did. We did not risk our lives. Included in this group is Vice President CHENEY, who used his deferments to avoid military service, as he was legally allowed to do. Yet we now hear Vice President CHENEY leading the attack against JOHN KERRY, a man who

volunteered, risked his life, and received awards from this country for his heroism.

This is an outrageous campaign tactic by the Bush-Cheney campaign. The Republican attack machine on JOHN KERRY has, frankly, criticized him for his two tours of duty in Vietnam. Apparently, that was not enough. The fact that JOHN KERRY earned a Silver Star, a Bronze Star, and three Purple Hearts wasn't good enough for these Bush-Cheney campaign operatives who never miss a chance to attack JOHN KERRY for his military record.

Thank goodness, Senators of the stature of JOHN MCCAIN have stood up to defend his fellow Vietnam veteran, JOHN KERRY. They have said that JOHN'S service is clear and unequivocal. He risked his life for America. I have met men who were in his crew, those who travel with him in his campaign, his so-called "band of brothers." They are in their late fifties and early sixties. They give up what they are doing to join JOHN MCCAIN on the campaign trail. They tell the story. They tell the story of a young Navy lieutenant volunteering to serve this country, literally risking his life for those in his crew. They join him on the campaign trail, saying they are prepared to follow him into battle again.

But listen to what is coming from the other side. To think that those who did not serve in the military are now criticizing JOHN KERRY for his war record is reprehensible. It is time to put the cards on the table. JOHN KERRY not only has nothing to apologize for when it comes to his military record, he can be very proud of that. For those who say when he came back after the war and was critical of our Vietnam policy, somehow that was wrong, once again, listen to Senator JOHN MCCAIN, a man who not only served in the U.S. Navy as well but was a prisoner of war. JOHN MCCAIN came forward and said JOHN KERRY had every right to make the statements after the war about his disagreement with our foreign policy.

What we face today is incredible—that the Bush-Cheney campaign is going to attack a decorated Vietnam war veteran, raise questions as to whether he was deserving of a Purple Heart. How could they stoop so low? How could they do this when so many other men and women who have served our country, who have been wounded in battle and received Purple Hearts, have given all we could ever ask of an American citizen? And now to disparage JOHN KERRY and say that perhaps he doesn't deserve all of the recognition he has been given for his service in Vietnam is about as low as it gets.

I have listened to these comments, and I am particularly disturbed that Vice President DICK CHENEY has been the author of so many of these comments as well. Yesterday he was at Westminster College in Fulton, MO. He was supposed to give a speech on the foreign policy of the United States. Vice President CHENEY was supposed to

speak at Westminster College about foreign policy issues in Iraq. Instead, he went on the attack on JOHN KERRY and his patriotism and defense of America. It was such an embarrassing moment that, when he left, the president of Westminster College e-mailed the students, staff, and faculty basically apologizing for what Vice President CHENEY had said there.

Vice President CHENEY should know better. He should know that JOHN KERRY served our country and served it with distinction and honor. While Vice President CHENEY did not serve in the military, JOHN KERRY did. It is time to end this shameful Bush-Cheney campaign tactic and to recognize the obvious: JOHN KERRY led men into battle. He defended America. As President of the United States, he will do exactly the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

OIL COMPANY INCENTIVES

Mr. WYDEN. Mr. President, most American companies make their profit by selling the best product at the best price. But too often in the oil industry it just doesn't seem to work that way. For example, oil companies can even get a subsidy from the Federal taxpayers for shutting down a profitable oil refinery by deducting the cost of that shutdown from their taxes.

I come to the floor today because I hope Congress will put a stop to the perverse incentives that reward oil companies when they reduce the supply of gasoline and gouge our consumers at the pump. In my view, the Tax Code simply should not reward companies that shut down a refinery to reduce the supply and drive up the price of gasoline. My own view is that Congress ought to be providing incentives to oil companies that increase their production, as long as they comply with the applicable environmental law.

I think we are all pleased when we see corporate profits go up, and we are all pleased when the stocks of those companies go up as well. But what I am troubled about with respect to what is going on in the oil industry—and we are going to see profits up again this week, and I gather some have already been announced—is that too often our consumers are getting hosed.

I have been traveling about Oregon over the last few weeks. I have watched as gasoline prices hit over \$2 per gallon in some towns. In Eugene, Springfield, Medford, and Ashland—a number of our communities—the average price has been \$2.06 per gallon. Each penny of that cost is coming out of the pockets of working Oregonians. It is, of course, helping to increase oil company profits. What I am troubled about is that the taxpayers at the same time are subsidizing practices that are detrimental to their interests.

There has clearly been a pattern of extraordinary profits in the oil indus-

try. A prime example was ExxonMobil, which last year announced an all-time record earnings of \$21.5 billion. That is not just the highest earnings ever recorded by an oil company; that is the highest by any company in history.

Again, I want it understood that I like to see our companies make profits. I like it when their stock prices are high. What I don't like is when the consumer has to subsidize anti-competitive practices that are detrimental to their interests. That has certainly been the case with respect to refineries, when an oil company gets an actual subsidy from the Federal taxpayers for shutting down a profitable refinery by deducting the cost of the shutdown from their taxes.

This matter has special implications out in the West. I see my friend from Nevada on the floor. He made an excellent presentation with respect to how his State is affected by gasoline prices. All of us in the West are going to be hit, and hit very hard, by Shell's decision to close its Bakersfield refinery. In that instance, there seems to be no evidence that Shell has gone out and aggressively tried to find a buyer.

Independent analysts have made it clear there is a substantial amount of oil in the area. I will tell you, for those of us in the West, looking at that refinery closure in Bakersfield, that deal smells. It just doesn't add up to have a profitable refinery going down at a time when the company doesn't look as if it is moving aggressively to find a buyer. There is oil in the area and, as I have pointed out, the taxpayer subsidizes the closures of these profitable refineries. Yet the Federal Trade Commission has refused to act.

I hope to be on the floor very shortly with a bipartisan effort to address the anti-consumer practices. At a minimum, let us not have the taxpayers of America subsidizing anti-competitive practices in the oil industry, such as the shutdown of profitable refineries.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I will be happy to yield.

Mr. REID. Last week, I gave a speech about what is going on in Nevada. In Nevada, we have gas prices now approaching \$2.50 a gallon. If someone wants to put 4 gallons of gas in a vehicle, they have to bring a \$10 bill with them to do that.

I ask my friend his comments on this: Senator ENSIGN and I asked the Federal Trade Commission to take a look at what was going on in Nevada. They took a look and came back and said: We can't tell you why the price is that high. It is unusual, is what they said. It is unusual and they could not determine why gas prices were that high.

Does the Senator agree, with the prices going haywire as they are, and the consumer being hit very hard, especially in the western part of the United States, that the Federal Trade Commission should do something more aggressively than what they have done?