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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Therman E. Evans of Morning Star Community Christian Center in Linden, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God, You are the one who created the universe. You are the one who established the life-sustaining ecological order of nature and the life being biological order of humans. You are the one who provides for all—the Sun, the soil, the atmosphere, the water, and the nourishment that results therefrom. And for all of this we say, ''Thank You.''

You save us from destruction. You support us through difficulty. You sustain us to meet challenges. You strengthen us where we are weak. You steady us when we are shaky. You shake us when we need to be awakened. You stimulate us when we need to be active. And for all of this we say, ''Thank You.''

Bless now, in a special way and inspire as never before, these our political leaders. Give them Your wisdom, Your peace, Your humility, Your kindness, Your love, Your righteousness, and Your faith as they continue to do the work they have been called to do. And for this opportunity You have given them to bless this wonderful Nation, we say, ''Thank You and amen.''

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield to the Senator from New Jersey to speak for a moment at this time.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

THE GUEST CHAPLAIN

Mr. CORZINE. Mr. President, I thank the distinguished Senator from New Mexico for this courtesy.

I am extraordinarily proud to have the friendship, the moral support, and the leadership of Dr. Therman Evans, who opened our session today with a prayer. This is an individual who is a true man for all seasons—a physician, a minister, an entrepreneur, a chief of a village in Ghana—an extraordinary man who is leading his flock and ministering in a ministry of wholeness, one that deals with the complete aspect of a human being's life and sets a tone and a message for the community in Linden, NJ, and much more broadly across New Jersey and Pennsylvania. He is truly a unique and wonderful individual. We welcome him.

I am truly honored to call Dr. Therman Evans my friend.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF MINORITY LEADER

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

LESSENING DEPENDENCE ON FOREIGN OIL

Mr. REID. Mr. President, first, I rise to express my appreciation to Senator CANTWELL for the issue she has brought before the Senate. I am so convinced that the 40 percent can be met in 20 years. When President Kennedy said, We need to go to the Moon, he did not set a formula how we would get to the Moon, but we got to the Moon. When we were in the depths of our Depression in 1932, President Roosevelt said, We need to get out of this. We went a number of steps forward, some steps back, but we were able to work our way out of the Great Depression.

Senator CANTWELL's amendment is visionary. I really do believe that we can do this. I know there are people concerned, well, does this mean CAFE standards? Does this mean we are going to go totally to biomass? Are we

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

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going to do it all with alternative energy? I do not know, but the great genius of America can figure out a way to do this.

We need to lessen our dependence on foreign oil. There is no question about that. Fifty-eight percent of the oil we use comes from foreign countries. Listening to the news this morning, the stock market just moved a little bit yesterday. Why did it not move more? Because the price of oil went up almost a dollar a barrel. We have to do better than that. The only way we can do it is to lessen our dependence on foreign oil.

Unless we have a directive of this President and Presidents that follow him to meet this goal, we will continue to be dependent on foreign oil.

So I am totally impressed with the Senator from Washington and the great work she has done on this amendment. I hope it passes by a large margin.

FUNERAL OF FORMER SENATOR EXON

Mr. REID. Mr. President, the time I have is leader time, and I wanted to say a few things. I was not here yesterday afternoon because of the funeral of Senator Exon. I say to my colleagues, those of us who went to that funeral were so impressed with what this man did for the State of Nebraska. For the first time in the history of Nebraska, a funeral was held in the State capitol. Why? Because Jim Exon made a difference in the State of Nebraska. I am sure all 100 Senators, as I have, ask are we making a difference in what happens in our States, in our country. The lesson we can look to is Jim Exon, a man with not a great education by modern-day standards but a person who by modern-day standards, or any standard, had a great heart and a great mind and was able to do wonderful work for the State and for the country.

His family expressed so many warm feelings about their father and grandfather. Bob Kerrey gave one of the most moving eulogies that has ever been given. I am sorry I was not here yesterday, but for those of us who went to that funeral—Senator BEN NELSON, Senator HAGEL, Senator BINGAMAN, Senator LEVIN, Senator AKAKA—it was so worth our time.

JOHN BOLTON NOMINATION

Mr. REID. Mr. President, I rise to respond to a statement that was made yesterday. I want to provide an update on the status of the Bolton nomination. As I said yesterday, and I say now, we on this side of the aisle have been clear and consistent on our position on this matter. If the administration works in good faith to give the Senate the information it requires, Senate Democrats are ready immediately to give this nomination a vote.

We are not going on a fishing expedition in this instance. Democrats are seeking clearly defined and specific information about two very important issues that bear directly on John Bolton's fitness to represent this great country in the United Nations. I know what a fishing expedition is. A fishing expedition is, for example, in the law when one does a deposition or sends interrogatories and they have no idea what the answers are going to be, they have no idea what information they are really seeking to obtain, they hope something will turn up. That is not the case here because we have given two important areas where we want information: Did Mr. Bolton attempt to exaggerate what Congress and the American people would be told about Syria's alleged weapons of mass destruction capabilities? Secondly, did Mr. Bolton use or maybe perhaps misuse highly classified intelligence intercepts to spy on bureaucratic rivals who disagreed with his views or for other inappropriate purposes?

At the time I made those remarks, sadly, the administration and Senate Republicans had taken the position for the past month or more that nothing needed to be provided to the Senate on either of these issues, nothing. Last evening, the chairman of the Intelligence Committee, my friend, Senator ROBERTS, came to the floor to announce that he had attempted, ''one last good-faith effort to alleviate Senate Democrats' concerns.''

These questions were not directed to a member of the Intelligence Committee or to a member of the Armed Services Committee. These questions that we have asked were directed to the White House, to this administration.

Let us take a look, though, at Senator ROBERTS' efforts. First, it completely ignored one of the two issues on which we are seeking further clarification; namely, whether Bolton attempted to exaggerate what Congress and the American people would be told about Syria's alleged weapons of mass destruction capabilities.

I remind my colleagues, this is no small matter. All over the news the last 2 days has been concerns about weapons of mass destruction by virtue of the memo that was discovered in England. Concerns about this administration hyping intelligence and Great Britain hyping intelligence cannot be dismissed lightly.

U.S. troops are fighting in Iraq today largely because this administration told the Congress and the American people that Iraq not only possessed stockpiles of weapons of mass destruction but was also capable of using them against us and our allies.

U.S. troops are fighting in Iraq today. In the last 48 hours, 11 American soldiers have been killed. During that same period of time, I do not know the exact count, but well over 100 Iraqis have been killed. During that same 48-hour period, I do not know how many American soldiers have been grievously injured. I have no idea how many Iraqis have been paralyzed, blinded, or lost limbs. It is serious.

But we have learned since the war that the administration's own investigator concluded Iraq did not possess either the stockpiles or the means of delivery. Just as importantly, there are a series of unanswered questions about whether senior officials in this administration dramatically and intentionally hyped this threat to justify their desire to invade Iraq. So one can see why we believe it is no small matter for us to learn whether Mr. Bolton was a party to other efforts to hype intelligence.

Let's be clear about what is happening in Washington and the Senate. We have a White House that continues to drive an agenda—some say it is a radical agenda—determined to consolidate power and abuse it when necessary to push its unpopular policies. This disagreement over the Bolton nomination is not about partisan politics, ideology, or even reform at the United Nations. It is about whether we permit this administration yet again to walk roughshod over the Constitution.

Our duty as Senators is to ensure that our country is represented by qualified and, yes, ethical individuals. Instead of joining the Senate to protect and respect the Constitution, the administration has decided to pick a fight with large rhetoric and negative attacks as it consecrates its power and continues its secretive approach to governing.

Instead of joining us in a bipartisan conversation to reform Social Security, the administration pursues a risky privatization scheme that will slash benefits and threaten our economy with massive new debt. Public support for this privatization scheme is around the 20-percent mark.

This administration has also acquiesced to its radical rightwing base and supported the intrusion of the Federal Government into the private lives of families.

Just as troubling as all of this might be, when the administration fails to get what they want, they rev up the negative attack machine and set up the slash and burn, and I can say that is certainly true.

This pattern could not be clearer, and the American people are joining us to say enough is enough. For months now we have been talking about reforming Washington and focusing on the issues that affect the lives of the American people. We have been trying to do that as Democrats. Our work on the Energy bill this week is an example of what can be done with bipartisan work. We have a bipartisan bill that we hope to continue to improve.

Senator DOMENICI and Senator BINGAMAN have been exemplary in the work that they have done. We want to improve the bill. That is what legislation is all about. Americans are tired of getting caught in the crossfire of partisan sniping. So let us continue to join in a commonsense center and do the work the American people sent us to do.

I end as I began. If this administration, like previous administrations, respects requests of the Senate, we will immediately move to grant Bolton an up-or-down vote. I stand by that pledge today as I did more than a month ago.

Mr. DOMENICI. Mr. President, I ask that I be permitted to speak 1 minute as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRISONER TREATMENT

Mr. DOMENICI. Mr. President, I listened with great attention to the minority leader. I want to state to the Senate, as I listened I had one question that went through my mind. I am in no way—I have not been studying Guantanamo, in terms of hearings and the like. But some of our leading officials, in whom I have great confidence—the generals who speak, the Vice President—are asking the question, What would we do with those people, those prisoners?

I guess it would be interesting for those who are very concerned about the issue to think with us a minute. What about the other side? What do they do with their prisoners? They don't have any problems, right? They kill them. We have been watching that. They hold them as hostages, tell the whole world about it, and then the next day they say cut off their heads. That is how they get rid of people who they think are an impediment to what they want to do, those who are fighting their cause.

We don't have that luxury. We pick up these combatants and what do we do with them? What are we going to do with them, I ask rhetorically. We surely are not going to do what they are doing. We have to do something with them and it is not an easy solution. Who wants them? Will we put them out and say go home and then they will be out there killing our men again?

It is a very serious proposition, in terms of the United States of America having a difficult problem here.

I understand my time has elapsed.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Cantwell amendment No. 784, to improve the energy security of the United States and reduce United States dependence on foreign oil imports by 40 percent by 2025.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. The time has come to move back to this bill. I want to say to Senators it happens frequently, when things are going well, that nobody is very interested in moving along. So we have to push you along by making sure Senators, or their staffs, understand this has to be a day where we get rid of three or four amendments, including a couple of very important ones that are here for the Senate to consider.

There is a pending amendment Senator CANTWELL has before us. We are trying right now to work out a unanimous consent agreement whereby we will move off that amendment and have a time for a vote. Then we will move onto an amendment—we are thinking that will be an amendment by Senator BINGAMAN—with a time agreement, somewhere around 3 hours equally divided. We will share that with Senator BINGAMAN and others.

Then there is a third amendment from our side of the aisle which, for the sake of naming it, we will call the DeWine amendment. It is not necessarily the name, but he is one of the Senators. We know he has an amendment. We hope we can lock that in to follow after the Bingaman amendment. We will agree on the time. Then the DeWine amendment will have a certain amount of time after which it will be ready for a vote.

I am thinking with some degree of certainty we will have three votes. That will take us into the evening. We will have this pending amendment, the Bingaman amendment, that he considers very important on the mandate for renewables across the land, and then we will have a DeWine amendment that has to do with the oil cartel.

I am waiting for those who are putting these numbers together to come here because Senators have to be consulted.

If people wonder why this takes a little bit of time, let me explain. We are agreeing to something, but people in the Senate have to agree. So we are checking with them now. The only other way we could do it, you see, for those who wonder where they are, we could have all Senators down here and say, Do you agree with this or that? But we can't do that, so we have this little time interval where we ask the Senate be put into a quorum call and that is what I was going to ask right now.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to speak to the pending amendment, the Cantwell amendment, if it is appropriate, unless the chairman has some other business he wants to raise at this point?

Mr. DOMENICI. I would ask the Senator, if he would, give me a little bit of time before he does that and let me see if we can have a unanimous consent agreement locked in so we have some idea how much time you will use, or others.

Mr. DURBIN. Maybe I could make an alternative suggestion to the chairman. I will speak until I receive a signal from him that he wants to speak for any reason.

Mr. DOMENICI. If you are so generous, I will listen and when I think I am tired of listening to you, I will put up my hand.

Mr. DURBIN. It will then be a very short speech, I am sure.

Mr. DOMENICI. I have no objection.

Mr. DURBIN. I hate to live under that standard, but I will proceed nevertheless, at my peril, to discuss this bill.

This 800-page bill is our energy bill. We have been working on it for years. No one has worked harder than the Senator from New Mexico. This Republican Senator has joined with the Democratic Senator from New Mexico, Senator BINGAMAN, and they have produced a bill which in many respects is a good bill. If this bill were presented to me today to vote on, I would vote for it because I think there are so many positives here. It not only is good in itself, it is certainly good in comparison to what the House has produced. The House of Representatives has produced a grab bag of incentives and benefits to energy producers that doesn't get to the heart of the question: What is the best energy policy for America, for our children and grandchildren? What is the long-term view of America, when it comes to energy?

Senator DORGAN of North Dakota asked a question of the administration when they came to testify on this bill. He said, You look forward 30 or 40 years on Social Security and say we have to be prepared. What are you prepared to say will be our energy policy in 30 or 40 years? What should we be aiming for?

The simple answer was they couldn't answer it. They had no long-term energy policy. There is one thing we know will happen, unless we change course from where we are today. Each and every day of every month of every year for at least the next 20 years, we will become more dependent on foreign oil. Today, 58 percent of the oil consumed in the United States comes from overseas. That number has grown dramatically. In 1973, that number was 28 percent. So in 32 years we have more than doubled our dependence on foreign oil. We all need it: to fuel our cars, trucks, businesses—the economy of America. So the obvious question is, Is this something that should concern us? I think it is clear on its face it should.

As we become increasingly dependent on Saudi Arabia, the OPEC cartel, Iraq, Iran, Libya, and so many other countries for our oil sources, frankly, we are surrendering some of our freedom and control of our own future. If we lessen our dependence on their foreign oil, it strengthens our economy. Less money is going overseas to buy oil. More money goes into the United States. There is less dependence on what happens.

Saudi Arabia is a country we ought to take a close look at because we depend on it so much. Saudi Arabia is a royalty. It is a kingdom. It is a government which, on any given day, we are either embracing because they provide us with oil or admonishing because they are doing things as a matter of policy that are inconsistent with American values. How much longer do we want to be joined at the hip with Saudi Arabia? How much longer do we want to wait for these sheiks and princes to decide how much oil they will release from their country and directly impact the cost of gasoline in America?

I think the answer is very clear. The sooner we move toward independence, the more secure America is, the less dependent we are on Saudi Arabia and other countries. The pending amendment by Senator CANTWELL of Washington sets a goal for America. I think it is a goal that can be reached by people of good faith on both sides of the aisle who are prepared to accept the challenge.

Here is the challenge: Can we, over the next 20 years, reduce our dependence on foreign oil by 40 percent? It is a challenge. It is not as great a challenge as putting a man on the Moon, but America did that. It may not be as great a challenge as the Manhattan Project, when President Franklin Roosevelt said develop an atomic bomb that will end World War II, but we did that. I am confident, with the creativity and ingenuity of America, we can meet this challenge—40-percent reduction in dependence on foreign oil over the next 20 years. That is the pending amendment.

You would think most Senators would say: Fine, let's accept the challenge. Let America rise to this challenge and meet it. But sadly, if you listen to the debate, primarily from the other side of the aisle, that is not what we hear. We hear, instead: Oh, this is too big a challenge for America. We can't do that. The technology isn't there. We would have to change the cars we are driving. We would have to challenge Detroit and automobile manufacturers to build more fuel-efficient vehicles. They say that is impossible, America cannot meet that challenge, and they oppose the pending amendment.

I would say from my point of view this should be a bipartisan challenge we all accept. There are people who love their SUVs. I understand that. But I think we can say to Detroit, you can, and we know you can, produce a fuel-efficient vehicle that is safe and meets the needs of America, our families and our businesses. But to continue to build cars larger and heavier, that get fewer and fewer miles per gallon, is to increase our dependence on oil, particularly foreign oil, and our addiction to this source of energy. I think we can do better. I think the amendment offered by Senator CANTWELL of Washington does establish that challenge for us.

I personally believe we should do something about the fuel efficiency of the vehicles we drive. Do you know it has been 20 years since we held Detroit responsible for reducing the amount of fuel that you consume to travel a mile in America? For 20 years we have stepped out of the picture, and what has happened in the meantime? The fuel efficiency of vehicles in America has gone down, down, down. People drive these Hummers. Have you ever seen them? I personally think if you want to drive a Hummer, you ought to join the Army. People want them and get 5 or 6 miles a gallon and Detroit keeps churning out these big, heavy cars.

From my point of view, we ought to step back as a nation and say, isn't it worth something for us to have more fuel-efficient vehicles so we don't get drawn into foreign conflicts over oil? It is more important to me to drive a sensible car and to spare someone's son or daughter from serving in the military in the Middle East in a war. That is not a great sacrifice on my part. And it is certainly a great reward, when we have fewer and fewer times when we are entangled in this Middle East problem that continues today over our sources of oil.

I happen to believe this is a good bill. It can be improved and the Cantwell amendment improves it. There is one provision, only one in 800 pages, which talks about better fuel efficiency in America—or at least reduces our dependence. Let me be more specific: reducing our dependence on foreign oil. There was a provision that was passed by the Senate the last time we debated this bill, 99 to 1. It was overwhelmingly supported. It said, over the next 10 years we will reduce our dependence on foreign oil by 1 million barrels a day. That is a good step in the right direction. The Cantwell amendment takes us a little further and I think is better overall, but I support what is in the bill. Do you know, 2 days ago President Bush and his White House sent us their evaluation of this bill and said if that provision is included in the bill, the President will veto it.

The President will veto it if we embark on a policy of reducing our dependence on oil by 1 million barrels a day over the next 10 years? What are they thinking? How can we be any safer as a nation more dependent on foreign oil? Should not we be accepting this challenge? Why is the Bush White House walking away from it?

Senator DOMENICI, myself, virtually every other Senator, agreed to put this provision in the bill last time. I think it is a good provision this time. Yet the Bush White House is opposed to it.

There is only a certain amount of oil we can drill for around America and around the areas we control to meet our needs. The total world oil supply in the control of the United States is about 3 percent. Yet we use 25 percent of the oil that is consumed each day. If we are going to be realistic, we have to understand we need more efficient vehicles, more use of alternative fuels such as ethanol and biodiesel, and we need to be looking for ways to reduce the waste of fuel, such as the one included in this bill, and I commend the Senator from New Mexico on this. The provision in your bill which relates to the idling of diesel trucks is a great provision. All of these are sensible moves in the right direction. If they are, why isn't this administration supporting it? Why don't we have a good, strong bipartisan vote not only for that provision but for the Cantwell provision, as well?

Let us accept the challenge. Let us not view that as a negative alternative that America just cannot do it. We can. We have proven it in the past. We can come together and pass this bill on a bipartisan basis.

I thank the Senator from New Mexico. I am greatly rewarded by his patience in allowing me to speak a full 10 or 15 minutes without boiling his bile or whatever might have occurred.

I yield the floor and hope we are moving toward a vote.

Mr. DOMENICI. We are grateful. We will have a unanimous consent to take care of today.

Let me just say briefly, if I were President of the United States—which obviously is beyond the realm of possibility—I would be opposed to this amendment. It is not as if it does nothing to the President. It says, Mr. President, whoever you are—and it obviously will not be this one—tell us how, give us a plan, tell us how you will reduce America's consumption of crude oil by 40 percent by a year certain.

What President would like to do that? What President would think that is a worthwhile effort if he would have to send up some kind of plan at which the whole world would laugh? Our cars would have to be the size of golf carts or we would have to make a breakthrough in the next 10 years, which we have been working on for 40 or 50 years, and we have not made it yet.

The very ones talking about it do not want to even get the oil from ANWR. That is a million of what they are asking for, and it surely would be here by the time their resolution talks about it. What if the President, whoever it is, says: Let's go to ANWR and get a million. Guess what they would say: Destroying the world, getting rid of the environment. But a nice little resolution, nice little bill saying we have a solution to this. We will just be a John F. Kennedy and say our goal is to some way, somehow, cut America's consumption of crude oil from overseas by 40 percent, when it has been going up every year with everything we are trying to do.

In this bill, we are trying what is real. We are challenging all of the technocrats, the technologists, the scientists. We are telling them: Here are resources, find solutions. What superentity would we create in this country and say: Here you are. You are on top

of all this. You prepare this plan. You give it to the President so he can give it to the people. To what end? What would it do? A 40-percent reduction reduces our consumption by 7.2 million barrels. We cannot even get anyone to vote to let America produce 1 million barrels now. If that 1 million would come off 7.2 million barrels, we would still be a huge way away.

Do not misunderstand, this issue is an American issue of high consequence. America is doing everything it can. We did not used to. That is why it is so hard now. We let it get away from us. It will not come back under control with a gaudy, impossible resolution that will sound like somebody has a plan.

I have attempted just to tell the Senate the truth. I have attempted to offer an amendment to this and just up the ante and say if we can do 7.2 million, why don't we do 8.2 or 9.2, and put it in there and say we will vote on a bigger one. Then I thought, maybe I ought to be what I have tried to be on this bill all along, honest and forthright, and as best I could explain to the Senate, we have to do everything we can, with imagination, with vigor, with certainty, with resources, but the kind of things we know we can do, that we know we put our shoulders to it and we work hard.

We are finally coming to the point where Americans do believe it is a big problem. I don't think they are blaming people anymore. It used to be we called the big oil companies up, swear them in under oath—I don't know if the Senator remembers the day we called them up here and had them swear. We said: You are the problem; you are why we are importing all this oil.

Remember those days? They told us everything they could. That hearing went away. What happened? The next year we imported more oil and more oil.

It isn't that the Senator doesn't think we should have an American plan. What we have in this bill is an American plan. Senator BINGAMAN and I and many others have worked hard to put it together. Some people say it does not do enough as it is. I heard some reporters yesterday commenting. I wondered what they were reading. They said: It doesn't do anything for nuclear. It is the most far-reaching pronuclear set of proposals we will have ever before us. The same commentators said it cost too much money. I don't know where they got the numbers. We have not even spent in this bill. We were given a $2-billion reserve fund. We have not spent all of that yet. I shouldn't have said that because everybody will be down here wanting to spend it, but they have to go through us before they can spend it.

The tax portion is about like the House portion. It is a pretty good bill. It is not a spending bill. When you authorize programs, incidentally, you are not saying we are going to buy them or pay for them. The distinguished occupant of the Chair knows in agriculture you authorize programs, but you do not expect the appropriations to do exactly what you say. You say: This is a program we would like you to think about. That is what this bill does in terms of authorization. Overall, it is a very good bill.

Is the proposed unanimous consent agreement satisfactory?

Mr. BINGAMAN. Yes.

Mr. DOMENICI. I ask unanimous consent the Cantwell amendment be temporarily set aside, Senator BINGAMAN be recognized in order to offer an amendment regarding RPS; provided further there be 3 hours of debate equally divided in the usual form and that following the use or yielding back of time, the Senate proceed to a vote in relation to the amendment and that no second-degree amendments be in order to the amendment prior to the vote.

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

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 791

(Purpose: To establish a renewable portfolio standard)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Ms. FEINSTEIN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR, proposes an amendment numbered 791.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BINGAMAN. Mr. President, this is a proposal that has been offered before in the Senate. This is a proposal that was included in the comprehensive Energy bill we passed in the 107th Congress, again in the bill that was passed in the 108th Congress. It sets a standard referred to, generally, as a renewable portfolio standard. It is essentially a requirement that those producing electricity in the country produce 10 percent of that electricity that they sell by 2020 from renewable sources.

The Senate has approved this proposition again and again. As I indicated, in the 107th Congress, we included such a portfolio standard as part of an Energy bill. We had various votes in the Senate that affirmed the Senate's determination that the standard should not be weakened. In the 108th Congress, there was a letter signed by 53 Senators that went to the chairs of the conference on the Energy bill, H.R. 6. Senate conferees went on to approve the portfolio standard and pass it on to the House as part of the Senate action.

Now we have the opportunity to renew our support for this proposal to place it in this bill where we can, hopefully, get broad bipartisan support and get it to the President's desk.

There are good reasons for the strong support that we have seen in the Senate. A strong renewable portfolio standard is an essential component of any comprehensive national energy policy—not just an important part of such a strategy but an essential component.

The benefits are clear and they are many. Let me cite the major benefits: This provision would reduce our dependence on traditional, polluting sources of electricity. It would reduce our dependence on foreign energy sources. It would reduce the growing pressure on natural gas as a fuel for the generation of electricity. It would reduce the price of natural gas. It would create new jobs. It would make a start on reducing greenhouse gas emissions. It would increase our energy security and enhance the reliability of the electricity grid.

The renewable portfolio standard that we are offering—and I have various cosponsors—and I hope we have additional cosponsors before this amendment is dealt with—Senator COLEMAN, Senator JEFFORDS, Senator COLLINS, Senator DORGAN, Senator CANTWELL, Senator FEINSTEIN, Senator REID, Senator SALAZAR. I believe many other Members in the Senate strongly support this effort.

The RPS we have offered is a flexible and market-driven approach to achieving the various goals I have mentioned at a negligible cost to consumers in this country. According to the Energy Information Administration, the amendment would result in over 350 billion kilowatt hours or 68,000 megawatts of renewable generation between 2008 and 2025. That is enough power generation to supply 56 million U.S. homes. The cost to consumers would be about .18 of a percent or less than one-fifth of 1 percent increase in overall energy prices.

This proposal would require retail sellers of electricity that sell more than 4 million megawatt hours per year to provide 10 percent of that electricity from renewable resources by the year 2020. The requirement would be ramped up in 3-year increments to allow for planning flexibility. The Secretary of Energy would be required to develop a system of credits for renewable generation that could be traded or sold; again, making the program easier to comply with. Utilities could use existing renewable generation to comply with the program or they could comply with the program by buying credits from someone else who is producing renewable energy. New renewable producers could receive the credits to trade or to sell.

The cost of the program to the utilities would be capped by allowing the

Secretary to sell credit at 1.5 cents per kilowatt, adjusted for inflation. As long as the difference between the cost of the renewable generation is less than 1.5 cents per kilowatt hour, the utility could buy or generate renewables. When it reaches or exceeds that price, obviously the cap would kick in, and it would become more cost effective for the utility to go ahead and buy the credits. We also would create a program for the sale of the credits to fund State programs for the development of renewables.

Congress has tried before to spur the development of renewables. In 1978, we passed the Public Utility Regulatory Policies Act, PURPA. That bill required utilities to buy renewables if the generators could meet the avoided cost of the utilities. Cogeneration—that is, the combined use of heat for industrial processes and for generation of electricity—was also eligible. That program resulted in a huge growth of cogeneration. Over half of the new generation that came online in the country during the 1980s and 1990s was from that resource.

It did not, however, do much for renewable generation. These technologies have remained at about 2 percent of total electricity supply for decades now. In other words, PURPA did not work to stimulate development of renewables as we had hoped it might.

Let me put up a chart to make the point of this 2 percent figure to give people an idea of what we are dealing with today.

This shows electricity generation by fuel for the period of 1970 through 2025. Of course, some of that is anticipated. This is from the Energy Information Agency which is part of the administration.

You can see that by far the largest percentage of the electricity we produce in this country is produced from coal. That is the case today, in 2005, as shown by this white line on the chart. That has been the case ever since 1970, and that will be the case in the future. That is true regardless of whether this amendment is adopted or is not adopted.

The next source of power, the next fuel for electricity generation is soon to be—right now it is nuclear but it is very soon to be natural gas. You can see a green line there. It is probably a little hard to see against that blue background on the chart, but there is a green line which goes up pretty dramatically in the future. That is a concern I know all of us who have looked at this issue share. We see the price of natural gas going up a significant degree, because we have more and more of our electricity being produced from natural gas. That puts pressure on the price of natural gas. People who are buying natural gas to heat their homes or their businesses see the cost of their utilities going up because of the increased pressure on that price of natural gas coming from the increased demand for natural gas to produce electricity.

You can see the renewables number down here. The renewables is next to the bottom line, and it is bumping along at less than 5 percent. It is down around 2 percent today. It will increase very modestly.

This chart is a chart of how the Energy Information Agency would expect production to occur absent a renewable portfolio standard. What this amendment will try to do is increase somewhat the amount of electricity we are producing from renewables and, by doing so, decrease the amount of electricity we have to produce from natural gas. This is a way to keep down the increasing cost of natural gas, and it is a way to keep down the increasing price of natural gas as well.

Let me talk about some of the criticism that has been made of this amendment and this approach. Critics of the proposal point to a number of concerns they have. The No. 1 criticism I have heard is it costs too much; also, that States are already requiring development of renewables; and, third, some areas do not have readily available renewable resources. Those are the three major criticisms we hear, so let me respond to each of those.

In response to the argument that it costs too much, I will point to a number of studies of this proposal that have been done over the last several years.

In 2003, I asked the Energy Information Agency at the Department of Energy to look at the effect the standard would have. They found our standard would result in 350 billion kilowatt hours of new renewable generation between 2008 and 2025. That would not happen absent the adoption of this provision. They found the cost would be minimal. The report indicated there would be an increase in the cost of electricity of only one-tenth of a cent in 2025 over projected costs. When combined with the reduction in natural gas prices that would be caused by the RPS, total aggregate cost to the consumer on that consumer's energy bill was projected to be less than one-twentieth of 1 percent.

I have asked the EIA to update this analysis with current conditions, and we have their update. They have sent me a letter which I can put in the RECORD. Let me cite the most important parts of it. It says:

> Cumulative residential expenditures on electricity from 2005 through 2025 are $2.5 billion lower while cumulative residential expenditures on natural gas are reduced by $2.9 billion, or 0.5 percent. Cumulative expenditures for natural gas and electricity by all end-use sectors taken together would decrease by $22.6 billion.

Now, that is their current estimate of what the effect of this provision would be.

The report also indicates the generation of electricity from natural gas would be 5 percent lower if we adopt this RPS than it would be otherwise. It also projects that total electricity-sector carbon dioxide emissions are reduced by 7.5 percent relative to the status quo. They are reduced by 249 million metric tons.

A number of other studies have found positive results, even to the point of reducing overall energy costs. Earlier this year we held a hearing in the Energy Committee on generation portfolios. Dr. Ryan Wiser of Lawrence-Berkeley National Laboratory presented a report that summarized the results of some 15 studies of renewable portfolio standards much like the one we are offering today. All of these studies found that a portfolio standard would reduce natural gas prices. Twelve of the 15 studies projected a net reduction in overall energy bills as a result of the RPS.

The Energy Information Agency report projected that the RPS would lead to a 32-percent lower allowance cost for sulfur dioxide emissions. The cost is not great. So the argument we have heard that this is too expensive a proposition I think does not hold water.

Many have argued that States are implementing renewable portfolio standards and there is no need for a Federal program. It is true that States have taken the lead in pushing for more renewable generation. Eighteen States currently have developed renewable requirements. Three more are soon to begin implementing renewable requirements.

Almost all of these standards are more aggressive than the Federal standard in the amendment I am proposing today. My home State of New Mexico requires 10 percent of electricity produced by utilities in that State to be from renewable sources by the year 2011—not 2020. Mr. President, 2020 is what our amendment calls for. But New Mexico says 2011. California says 20 percent by 2017. Maine requires 30 percent by 2000; Minnesota, 19 percent by 2015.

This will spur the growth of renewables in these regions. There is one thing, however, a State standard will not do. It will not drive a national market for these technologies. If some States have renewable standards and others do not, or if the technologies and requirements vary from State to State, it is impossible for a national market to develop for renewable credits.

This credit trading system is the piece of our proposal that gives the greatest flexibility for compliance. A credit trading system also helps to reduce the cost of compliance by allowing credits for lower cost renewables from one region to be bought by utilities in another region.

Some argue this is a cost shift from the regions without renewable resources to those with renewable resources. I would argue it is a way to spread the cost to all who are seeing the benefits. If States do not have or choose not to develop renewable resources, they still realize the benefits of lower natural gas prices, of lower SO_2 allowances, of lower cost carbon

reductions. It is only fair they share the slight increase in cost for generation of electricity that has created these savings.

The argument that many regions do not have renewable generation resources has also been made. While it is true that the best wind, geothermal, and solar resources are concentrated in Western States, the entire country has extensive biomass potential. We have another chart I want to put up here for people to look at.

As Maine and other States have shown, paper production and agricultural processes are available everywhere. If Rhode Island, Pennsylvania, New Jersey, and Maryland can implement aggressive standards, then other States can as well.

This chart makes the case very strongly about where these renewable energy resources are available. You can see that solar, of course, is available everywhere but more prominently in the Southwest. That is shown in the upper right-hand part of this chart. Wind resources are not available everywhere but clearly are in many States, and particularly in the West and the Midwest. That is shown on the lower right-hand part of the chart. Geothermal resources are primarily concentrated in the West, but biomass and biofuel resources are everywhere in the country, and are particularly concentrated in the eastern part of the country. So as these technologies develop, as the markets for these technologies develop, there is an ability to produce energy from renewable sources everywhere.

The environmental benefits are clear. The renewable portfolio standard would result, according to the Energy Information Agency, in a 3.6-percent reduction in carbon emissions in the year 2025. This is a reduction of 31 million tons in that year alone. That reduction is the equivalent to planting 27.5 million acres of trees, an area about the size of Pennsylvania. And this is in one single year.

The RPS also benefits the economy by driving job growth. According to the Union of Concerned Scientists, wind turbine construction alone would result in 43,000 new jobs per year on average. An additional 11,200 cumulative long-term jobs would result from the subsequent operations and maintenance of these renewable facilities.

The Regional Economics Applications Laboratory for the Environmental Law and Policy Center found that 68,400 jobs and $6.7 billion in economic output are a result of renewable energy; wind power creates 22 direct and indirect construction and manufacturing jobs for each megawatt of installed capacity; wind power creates one operation and maintenance job for every 10 megawatts of installed capacity.

A study by the State of Wisconsin found that increased use of renewable energy sources would create three times as many jobs as increased use of traditional fuels for electricity production. U.S. PIRG reports that building 5,900 megawatts of renewable energy capacity in California would lead to 28,000 yearlong construction jobs and 3,000 operations and maintenance jobs. Over 30 years, these new plants would create 120,000 person hours of employment, four times as many person hours as building 5,900 megawatts of natural gas capacity.

According to the AFL–CIO, an estimated 8,092 jobs would be created over a 10-year period for installation and operations and maintenance of wind power in Nevada, and another 19,000 manufacturing jobs.

Support for this concept and this proposal is strong throughout the country. Recent polls have shown that support. A poll by Mellman Associates found that 70 percent of those surveyed nationwide supported a 20-percent portfolio standard. We are not proposing that aggressive a standard. We are proposing 10 percent by the year 2020, which I pointed out is substantially more modest than most of the States have embraced that have gone this route. These results held about the same in States as diverse as North Dakota, Georgia, Missouri, and Arizona.

Environmental groups from throughout the Nation, from the Sierra Club to the Natural Resources Defense Council, from industrial associations to the renewable trade groups and utilities, have all supported the RPS.

We are trying in this bill to implement a policy to develop an energy future for the Nation that would rely on our own resources, creating energy security for the country; that would provide for cleaner air and water; that would begin to reduce our emissions of carbon dioxide into the air; and that would drive our economy to greater heights. This portfolio standard is a low-cost, effective, market-driven way to accomplish these goals.

Let me put up one other chart before I yield the floor.

There is a chart we have that shows the production-added capacity of wind energy which I wanted to reference. It is entitled ''Annual Installed Capacity.''

One of the arguments being made against this legislation is, through the Tax Code, we are already providing incentives for utilities to do this. Therefore, something like this is not required.

The truth is, we have had incentives in the Tax Code. Our history of success at getting additional installed capacity through that device has been extremely mixed. We have a tax provision for a year, and then we let it expire. Installation drops off dramatically. We have a tax provision put back in place. The installation of capacity goes up. We let it expire. Unfortunately, that has been the history in this Congress.

I would like to say it is going to be different in the future, but I am not persuaded. What the renewable portfolio standard will do is to set a long-term path for how we want to proceed and would give utilities and those who are involved in the generation of electricity a clear idea of what is to be expected from them as they go forward. This would have a beneficial effect on the development of these technologies, on bringing the cost of producing power from renewable sources down, and would bring us into line with many of the more industrially advanced countries in the world.

This is a useful provision. It is one that has bipartisan support in the Senate and one we have had the good sense to adopt in the previous two Congresses. I hope we will do that again this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I remind the Senate that we have an hour and a half on our side. I am in control of the time. I am going to yield control of the time to the junior Senator from Tennessee. He will start and use as much time as he wants. Then I will return and use some. I have put the word out, if anybody else would like to speak in opposition to the Bingaman amendment.

With that understanding, I yield the floor and thank the Senator from Tennessee.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. While both Senators from New Mexico are in the Chamber, all of us appreciate the way they have brought this extremely important bill together. We know there are a handful of tough issues about which we disagree. Through their leadership, we have a consensus on what is well on its way to being an American Clean Energy Act for 2005, something that will dramatically transform the way we conserve energy, produce energy, and will help us keep our jobs and be more competitive in the world marketplace. That is our goal.

I also believe it will lower natural gas prices. And I thank the chairman and ranking member for their contributions.

At the end of our committee markup, during which the vote was 21 to 1, there were compliments thrown all around. Senator BINGAMAN said he couldn't remember a party-line vote in all the votes that we had, that we were voting based upon our own individual views and our regional differences. Senator CANTWELL said it was not only a clean energy bill, but it was a clean process. But that doesn't mean that when we disagree, we shouldn't disagree. And we have differences of opinion. That is what the Senate is for.

While I respect the other side for what is a high-sounding idea, the idea of a renewable portfolio standard, I believe there is a better way to spend these billions of dollars than the way

suggested by Senator BINGAMAN, if our real goal is to create an adequate supply of low-cost, reliable American-produced energy.

It is always important to start from the proposition that this is a big country and a massive economy. We use 25 percent of all the energy in the world, and we spend about $2,500 a year per person to produce that. So when we put up a windmill that only blows 20 or 30 or 40 percent of the time, it doesn't matter much in terms of what we do. When we build a new nuclear power plant, which we haven't done since the 1970s, it matters a lot. A windmill would be one of 6,700, but that power plant would be only 1 of 1,300 or 1,400 power plants we have in the country. So it takes quite a bit to affect our energy policy.

There are three reasons I hope my colleagues will vote against the renewable portfolio standard. The first reason is that it is an $18 billion tax. It is a new $18 billion rate increase on the electric ratepayers of America. The second reason is it is an increase in subsidy for a number of people, especially wind developers who already include a huge subsidy of a couple billion dollars over the next 5 years, which the Finance Committee has recommended we increase to $3.3 billion over the next 5 years just for giant windmills. Three, if not technically, it is at least in the spirit of an unfunded Federal mandate, the kind of thing that a lot of us were elected to stop, the idea of coming up with a big idea here in Washington and imposing it on the rest of the country and then sending them the bill.

I was thinking about this: We are all going to be going home in a couple of weeks, having debated the Energy bill and hopefully having passed it, feeling good about it. Our constituents are going to ask: What did you do about high gasoline prices? What did you do about high natural gas prices? What did you do about the possibility of blackouts so my computer wouldn't work and so I wouldn't be safe in my home? What did you do about the fact that China and India and other parts of the world are buying up oil reserves and growing their economies and creating constant pressure on the price of oil? What did you do about that, Senator, while you were in Washington over the last couple of weeks?

I wonder if what we really want to say to our friends who elected us when we go back to Tennessee or Nevada or New Mexico is:

I raised your taxes $18 billion. I put a new $18 billion charge on your electric bill. That is the first thing I did. The second thing I did was I gave an increased subsidy to people who were already getting a lot of money. Windmill developers are making $2 billion over the next 5 years just to put up these giant windmills. We gave them another subsidy on top of that. And then the third thing I did was, since we all get smarter when we go to Washington on the airplanes, we decided that despite the fact that 17 or 18 States are already defining renewable energy sources in their own ways and already trying to meet them and already giving them incentives, we decided we would decide that better. We would decide that from Washington, DC.

While I am not sure about this, at least in earlier versions of the proposal, in a number of cases the credit you got for what you were doing according to your State renewable portfolio standard doesn't count towards your national renewable portfolio standard.

I don't think I want to go home and say to the people of Tennessee that what I did about the growth of China and India and the threat to their jobs and what I did about high gasoline prices and natural gas prices, what I did about blackouts was to add $18 billion to their electric rates, to give a big subsidy to windmill developers, and to put an unfunded mandate on top of what States ought to be doing for themselves.

There are better ways, if our goal is to produce low-carbon or carbon-free electricity, which is what this debate is really all about. This debate is motivated by those who feel most strongly about global warming and about low-carbon and carbon-free electricity. There is a better way to do that, particularly if we have $18 billion. I want to talk about that a little more as we go along.

The Senator from New Mexico, as he always does, gave a very careful and well-reasoned explanation of his points of view. His proposal is a little different from his proposal made in 2003. I want to go through why I said what I said and make sure my point of view is understood.

Let me begin with the idea of the $18 billion. I didn't just pull that out of the air. This is a letter from the Department of Energy in Washington dated June 15, 2005, to Senator BINGAMAN. He quoted some of it. It talks about a number of things. It does talk about some places where in the whole economy there might be some reductions in expenditures as a result of the RPS based on their monitoring. But it also says the following:

> From 2005 to 2025, the RPS has a cumulative total cost to the electric power sector of about $18 billion. . . . This cost includes $700 million in payments to the Government for compliance credits once the price cap is reached and $10.7 billion in payments to owners of customer-sited photovoltaics that are eligible for triple credits.

In other words, we are going to spend $11 billion in payments for solar power.

Let me start by talking about what we mean when we say renewable energy. Some people get confused about ethanol, renewable fuel, and renewable energy. We are not talking about ethanol. We are only talking about renewable energy, making electricity. There are only a handful of ways to do that that make much difference. Senator BINGAMAN has defined those very narrowly. Wind is one, giant windmills. Geothermal is another. That is hot water coming out of the ground to heat your home. Hydropower is one, but we exclude hydropower except for very limited new hydropower in this bill. Solar is another, using the sun. And biomass, putting grass and/or other things into coal plants and burning them is yet another.

Today, all of those renewable fuels produce a little over 2 percent of the electricity. Since the 1970s and 1980s, we tried very hard to encourage more. I can remember President Carter 20 years ago setting a goal of 20 percent of solar energy. In 1992, the wind developers said: We can make wind electricity out of wind, just give us a little bit of money to help get started, and then we will be off on our own. That was 1992.

Billions and billions of dollars later, wind is still not very much because that is not the best way to produce carbon-free electricity for an economy of this size, to compound the problem by putting new taxes and new subsidies on the American people at a time when we are supposed to be talking about lower prices. I haven't heard anybody say: I want higher natural gas prices. I want to pay a higher electric bill.

We are talking about higher prices, 18 billion new dollars on your electric rates. And for what? To build tens of thousands of windmills and to spend nearly $11 billion producing what will end up being one-fifth of 1 percent of all of the electricity that we will produce. That would be the solar electricity.

I am all for solar power. I have an amendment for solar power with Senator JOHNSON that we introduced as part of the Natural Gas Price Reduction Act. It would spend $380 million over the next 5 years for businesses and homeowners who want to use solar power. It would help that industry get started and see if it could go on its own without huge higher costs. But this is nearly $11 billion for solar power to produce one-fifth of 1 percent of all the electricity in the United States.

After solar, tens of thousands of these windmills is the other major expenditure along with biomass. So what we are talking about to begin with is wind and biomass and solar and landfill gas and geothermal, and trying to take that from 2 percent up to 10 percent. To do that, we are going to put an $18 billion tax increase on.

Now, let's go to the second objection I have. That is the size of the subsidy and the people to whom the subsidy is going. I have been doing a little investigating. It is hard to get these numbers down, to try to see how much money we are spending for this kind of fuel, so I could see if we could better spend it some other way. I have noticed that we are spending about 1 percent of our—we have something called the renewable electricity production tax credit. So far, it has been really a tax credit for windmills because solar

hasn't had the chance to take advantage of it. It pays you 1.8 cents for every kilowatt hour of wind power that you produce.

Now, wind has become—according to many of the utilities who buy and sell wind power—a fairly competitive product where the wind blows. Of course, where it doesn't blow, no amount of subsidy will help it. So we have already committed $2 billion in our Tax Code over the next 5 years to subsidize wind producers. And the Finance Committee, yesterday, said they want to add a billion to that. The Finance Committee also said they not only want to subsidize the production of the kilowatt hours of power, they want to loan money so developers can build these giant windmills.

Some people may think I am talking about your grandmother's windmill out by the well somewhere pumping the water.

I will have to make one correction in trying to describe these. I have said only one will fit into the second largest football stadium in America in Tennessee. The Senator from Pennsylvania, Mr. SANTORUM, reminded me that Penn State is larger than the University of Tennessee, and I stand corrected on that. But even at Penn State, and even at the University of Michigan, which is the largest, or the University of Tennessee, which is third largest, just one of these windmills will fit in the stadium. The rotor blades extend from the 10-yard line to the 10-yard line, and it rises twice as high as the skyboxes, and you can see the red lights from 20 miles away on a clear night. These usually come in groups of 10, 20, or 30 windmills.

This proposal would have the effect of increasing the number of these gigantic windmills from about 6,700, which we have in America today, to 45,000. That is the estimate of the Energy Information Administration. Each of these produces about 1 megawatt of power—or to be accurate, is rated to produce about 1 megawatt of power. The wind only blows 20 to 40 percent of the time, so it only produces about a third of a megawatt of power. Also, you have to take into account the fact that since these often are built in remote places or on top of scenic ridges, then you would build large transmission lines through backyards to carry the electricity to places. And you have to take into account the fact that you cannot close down your coal plant and nuclear plant and your natural gas plant when you put up windmills because people don't want to shut off their computers, stop working, or turn off their lights. They have to have their electricity all of the time, and you don't store power from wind in these amounts to use later.

So the idea that the United States of America would look to the future to keep its jobs and competition with Japan, with China, and with India—our country that uses 25 percent of all the energy in the world—by taxing its ratepayers $18 billion to build tens of thousands of windmills and, as good as solar power is, to spend $11 billion on solar power, which will produce one-fifth of 1 percent of all of the electricity we need in this country—I don't believe, respectfully, it is the best way to spend our money.

The third point is this about the States, and the Senator from New Mexico mentioned about what the States are doing. Someone said, ''Senator ALEXANDER hasn't gotten over being Governor.'' Maybe, in a way, I hope I never do because I don't think you automatically get smarter when you fly to Washington, DC. I know the Presiding Officer goes home almost every weekend. You gain a lot of wisdom while you are at home, and not here. To the extent that it is a good idea for electric utilities to begin to use a variety of different renewable sources, I submit that they are already doing it. They are working hard on it. The Governor of California made a major address the other day about the use of solar power in California.

There are 19 States, plus the District of Columbia, that have some form of RPS today. They have all sorts of different approaches to this. Iowa met its standard in 1999. Connecticut increased its standard in 2003. Texas has a well-regarded standard.

They use different definitions of renewable sources of energy. Maine defines renewable to include pulp and paper waste and black liquor. Pennsylvania has a clean energy portfolio standard that includes waste coal. Connecticut includes fuel cells. The Western Governors Association includes clean coal.

I have a number of examples of how, under Senator BINGAMAN's 2003 proposal, which I have studied since his new proposal came just today, which I have not studied as closely, but there were a number of cases where the credits at the local utilities would be received under their State plans, but they would not be allowed under the Federal plan. So we would be saying in Washington, DC, we see that in 19 States you have this idea of more renewable energy, but we are going to do that ourselves. We are going to preempt the field, we are going to set the rules, we are going to define it, and we are going to spend $18 billion our way instead of your way. I think that is unwise, Mr. President.

So the three arguments that I make against the Senator's amendment are these:

One, it is an $18 billion new tax on ratepayers to build tens of thousands of windmills and to spend $11 billion on solar power, which would produce one-fifth of 1 percent of all of the electricity we need by 2025. That is not the wisest use of money, and I don't think that is what we want to say to our constituents when we go home.

Second, it adds an unneeded subsidy, especially to wind developers, who we are giving $2 billion already over the next 5 years to build these gigantic windmills, which mars the landscape and only work 20 or 40 percent of the time. The only reason they are being built is because of these huge subsidized incentives.

I predict that if legislation like this passes and we go from 6,700 to 45,000 of these big windmills, you are going to have an uprising in every State of people who don't want to see them and wonder why we are taking $18 billion away from their electric bills and subsidizing things like this.

Third, I trust the States. Nineteen of the States have an RPS, plus the District of Columbia. These are the green ones on the chart, where you see more capacity for renewable fuel. If you put a 10-percent standard on Louisiana or Arkansas or Florida or Tennessee or Virginia, and we cannot meet that standard, what do we do? Our utility just writes a check to the Government under the RPS. It is a new tax, it is a new rate increase, and that is not the kind of thing we ought to be doing.

What should we be doing? Let me go back to my first chart, and then I will conclude my remarks. I like the direction of our bill as it is. You see, I think what our bill, as written, does—and it hasn't been widely noted, and the Senator mentioned this a while ago—it would transform the way we produce electricity in the United States. If we really want carbon-free air, if we want to meet the Kyoto standards, stop the global warming that people are concerned about, you are not going to do it by building tens of thousands of windmills and spending $11 billion on solar panels.

Here is how you will do it: conservation and efficiency. The Domenici-Bingaman bill that is here already would save us from building 45 500-megawatt gas plants just because of appliance standards. The hybrid car incentives coming from the Finance Committee will encourage the buying of 300,000 hybrid cars, resulting in more efficiency, less carbon in the air, and encouraging our auto industry to transform, as many of us hope they will do. If we do that, we should spend another $750 million, not on windmills, but on giving tax incentives to auto plants in the United States that retool to be able to produce hybrid cars. If we give incentives to buy those cars, we want them to be built in Tennessee, Michigan, or elsewhere in this country, not in Yokohama. If we spend a new $750 million for that purpose, which is a recommendation of the National Commission on Energy Policy, it will help to create 39,000 new automobile jobs in the United States.

Senator FEINSTEIN and Senator SNOWE have a proposal for energy-efficient appliances and buildings. The cost, over 5 years, is $2 billion. Some of that is in the legislation. But more could be spent on it to great effect. Coal gasification powerplants. We have talked about nuclear, so I will go to nuclear; $2 billion for deployment of

advanced nuclear power plants. Mr. President, if we want carbon-free air, we know how to get it. We get it from nuclear power. Twenty percent of all of our electricity in this massive economy of ours that uses 25 percent of the energy in the world is from nuclear power today.

So why would we subsidize windmills and solar panels instead of spending $2 billion on advanced nuclear power plants? France does it. They are 80 percent nuclear. Japan has one new nuclear plant a year. We have not started one since the 1970s, although we have dozens of Navy ships docking at our ports around the country with nuclear reactors that have never had a problem. So $2 billion for advanced deployment of nuclear power.

Right behind that, waiting in line—and I know both Senators from New Mexico agree with this—is coal gasification in powerplants, along with carbon recapture and sequestration technologies. If this could work, this would back up nuclear power and produce the large amounts of low-carbon or carbon-free energy that not only we need in the United States but that the world needs. If we do it here, they will do it there. If we don't do it, they will not, and they will produce so much pollution and junk in the air that it won't matter what we do because the air will blow around on top of us.

I mentioned solar energy development. I think there should be a substantial increase for solar energy development. The production tax credit, since 1992, has done nothing for solar power. It virtually all goes to wind. But an appropriate amount of money would be, over 5 years, $380 million. That is even more than the Finance Committee recommended. Under the RPS, we are talking about $11 billion collected from increased rates and spent to produce one-fifth of 1 percent of the electricity we need in 2025.

Mr. President, I want low-carbon air. I want to transform the way we produce electricity. But I also want lower electric rates. The Tennessee Valley Authority just raised our rates 7 percent. That is a high rate increase. That means there are some manufacturing plants in Tennessee that are going to think twice about whether the jobs stay here or the jobs go somewhere else. If we start putting new taxes and new rate increases on homeowners and manufacturing plants in Tennessee and around this country in order to build tens of thousands of windmills and this extent of solar power, we will not be taking the wisest course.

I suggest we support the bill as it is written, and to the extent we have dollars, let's spend it on hybrid vehicles, auto jobs, energy efficiency, coal gasification, modest, reasonable solar energy, carbon recapture research, advanced nuclear, and cogeneration projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I received notice that our Republican leader wishes to speak, he said, at 11:15.

I want to make an observation and see if the Senator from Tennessee will answer it.

The Senator from Tennessee went through all these other ways we could go about cleaning up our air and reducing the carbon emissions. What strikes me is, let's assume we are going to do all those things, because I think we are. I remind the Senator, however, that the $2 billion in there on nuclear—we should all understand, we can produce nuclear powerplants before that ever happens. That is fourth generation. That is getting ready for hydrogen. That is not charged to this, nor is it going to apply.

Nonetheless, take all the rest. Let's assume we are doing them. The interesting thing about this amendment is, if we were doing them and saving carbon emissions, we do not get any credit for that; am I right? We still are going to have this 10-percent mandate for renewables. So let's assume a State 4 or 5 years from now opens a nuclear powerplant. That is as clean as wind, is it not? It is terrific from the standpoint of emissions, but we still have to do the 10 percent, right, the way this approach is; is that correct?

Mr. ALEXANDER. Yes, that is correct.

Mr. DOMENICI. And in every respect, a State will not get any credit for the fact they are doing all these things that move in the direction we want because here sits this mandate that says you do this anyway.

Mr. ALEXANDER. That is my understanding.

Mr. DOMENICI. I think that is not right, as I look at it. That confounds me as to why that would be the case. We are urging they do the others, but in some cases, they are going to be mandated to spend this rather extraordinary amount. Once the credit is gone, incidentally, this kind of energy is going to be pretty expensive stuff.

Mr. ALEXANDER. That is true. In the case of wind power, it was suggested to the Senators in the early nineties, give us a wind power production credit for a few years and then it goes away. If it goes away and it costs more, the ratepayers will end up paying for that higher cost power.

Mr. DOMENICI. The mandate does not go away. Somebody has to produce it and it has to be charged.

Mr. ALEXANDER. That is my understanding.

Mr. DOMENICI. I yield the floor.

THE PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senator from New York and I be allowed to enter into a colloquy and that the time not be charged against the pending amendment.

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

(The remarks of Mr. FRIST and Mrs. CLINTON pertaining to the introduction of S. 1262 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will take a very few minutes to respond to some of the points that the Senator from Tennessee was making. We are back on the amendment that I have offered for purposes of debate.

I ask unanimous consent that Senator OBAMA be added as a cosponsor to the Bingaman amendment.

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

Mr. BINGAMAN. The first point I would make, in response to the comments of the Senator and my colleague from Tennessee, who has contributed greatly to the development of this overall Energy bill and whose contribution has been very substantial and I very much respect his views, obviously we are in disagreement on this issue, and I will explain some of the reasons why.

First, much of what he said related to big windmills and the fact that this, in his view, is essentially a program that would cause the establishment of more big windmills. He pointed out the reasons why that was unwise.

This amendment is technology neutral. We have been very specific about this. We have said that qualifying renewables include wind, solar, ocean, geothermal, biomass, landfill gas, and incremental hydro power. We have tried to talk about all of the different renewables and make it clear we are not specifying which of these renewables are used by particular utilities to meet this requirement.

It would be up to them, and it would be up to them based on how the various technologies develop. In fact, many utilities have chosen to pursue wind generation because they have found that that was the least costly way to produce energy from renewable sources. Clearly, advances are being made in solar power, advances are being made in biomass, and in various others of these technologies. The purpose of this legislation is to accelerate that.

There is a chart which my colleague from Tennessee put up indicating the other ways in which we are trying to deal with our energy needs in this overall legislation and the other ways in which we are trying to reduce emissions into our atmosphere in this legislation. I agree with all of that. We do have provisions in this legislation to encourage the development of this gas-combined cycle technology and the use of that in our coal-fired powerplants.

I will put up the chart that we had earlier that shows the different sources for our electricity generation as they exist today and as the Energy Information Agency would expect them to exist in the year 2025.

You can see that by far the most significant source of our energy, our electricity generation in this country, is

coal. It has been in the past; it is today; it is going to be in the future. The only question is to what extent does that number, that top line, go up. And, more importantly, to what extent do we see pressure put on natural gas as a source for electricity generation in the future.

But we have provisions in this bill that try to encourage the use of IGCC technology. That is very much in the public interest and I very strongly support that.

We also have provisions in here to encourage more use of nuclear power, more production of electricity from nuclear power. You can see the nuclear line is largely flat coming from today, 2005, out to 2025. It is my hope, just as it is the hope of Senator DOMENICI and I am sure of many on our committee, you will see that line go up somewhat, as companies are able to see the benefits that are provided in this legislation and look at the cost comparisons, that they will choose to put more resources into production of energy from nuclear sources as well. That is very much to be desired.

But to accomplish our goals, our overall goals for this country and our overall goals for our energy legislation, we need to pursue all available resources. That is why I believe it is important we adopt this amendment, to give that extra push for renewables. The chart from the Energy Information Agency projects very little increase in this line down here, this blue line for renewables, without this renewable portfolio standard in place.

I saw the map of the United States the Senator from Tennessee put up, showing the different States that are doing this. All of that is taken into account by the Energy Information Agency. All of those State renewable portfolio standards are taken into account in their determination that there will still be only very modest, if any, increases in the use of renewables over the next 20 years.

What we are trying to do through this renewable portfolio standard is to increase the contribution from renewables somewhat. I am the first to admit we are not going to solve our energy problems with the use of renewables alone. We have to depend on nuclear power. We have to depend on clean coal technologies. We have to depend on progress in all these areas. But the effect of this amendment I have offered is to give some additional impetus to use of renewables.

Let me make a couple of other points which I think bear mentioning at the same time. I think the Senator from Tennessee suggested that—maybe not the amendment that is currently before the Senate but an earlier version, I believe he indicated, would say you don't get credit for what you do to meet your State standard in order to meet this national standard. Let me be clear. That is not the case. I don't think that has ever been the case in any version I have seen of this amendment, but it is certainly not the case in what we are talking about here. In States where there is a renewable portfolio standard in place—and in almost more cases that is a much more aggressive and demanding requirement than anything we are contemplating here—clearly this standard would be met without any difficulty. This is not an incremental standard above what the State requires. This is an effort to require some effort to be made nationwide and hopefully get us to a nationwide market and demand for these technologies that we are promoting as part of this.

The other big point the Senator from Tennessee was making is this $18 billion cost. He is referring to this letter from the EIA. It does say the cumulative cost to the electric power sector is about $18 billion.

Three bullet points down in that same summary page, it says the cumulative expenditure for natural gas and electricity by end-use sectors, taken together, decreases by $22.6 billion.

What it is saying is the effect would be to decrease what they spend on natural gas and electricity by $22.6 billion at the same time there is the $18 billion to be shifted over in this area. So clearly the whole idea behind this legislation is that the people who are producing, the companies that are generating electricity in this country, will do less of that through use of natural gas, will invest less in natural gas production facilities, or generating facilities, and will invest more in these other areas. That is the purpose of it. We believe that is a good public purpose, a good purpose for us to be promoting in this legislation.

The final point the Senator was making is this is an unnecessary cost to consumers. That is not what I understand the EIA to be saying. The Energy Information Agency says, in a quote out of their letter to me dated the 15th of June:

> Cumulative residential expenditures on electricity from 2005 to 2025 are $2.7 billion lower, while cumulative residential expenditures on natural gas are reduced by $2.9 billion.

That is if this amendment is adopted. So the cumulative expenditures for natural gas and electricity by all end users, taken together, will decrease by $22.6 billion. It is saying, for this 20-year period we are talking about, if we adopt this amendment we will be saving consumers. They, the people who are producing the electricity the consumers are buying, will, in fact, be shifting resources to produce some additional increment of that electricity from these renewable sources rather than from natural gas plants as they otherwise would. But clearly there is a savings here for the consumer, according to the Energy Information Agency, and I think that is clearly to be desired and something we all are hoping will result from this legislation.

Before I yield the floor, let me ask unanimous consent that Senator CLINTON be added as a cosponsor. She is available to speak.

Let me ask Senator DOMENICI, did you want to go back to your side to speak now, or Senator CLINTON would like to speak on our side.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Mr. DOMENICI. Let me ask, Senator CLINTON, are you on some kind of time-sensitive schedule? If you are, I will let you go. How long does the Senator wish to speak?

Mrs. CLINTON. For 5 minutes.

Mr. BINGAMAN. We will yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I want to speak strongly in favor of Senator BINGAMAN's renewable portfolio standard amendment. This is a goal-setting amendment that gives us direction and impetus to do what we should be doing. Requiring us to produce 10 percent of our electricity from renewable energy sources in 15 years is something I think is necessary so we begin to change how we do business, how we conserve, what we invest in. This is a major step in the right direction. Although the critics have raised some alarms about this amendment, numerous studies have demonstrated the efficiency and savings that would flow from the adoption of this amendment.

Senator BINGAMAN has spoken at great length about some of these studies. The recent analysis conducted by the Energy Information Agency, provided some very strong support for what Senator BINGAMAN has proposed. In fact, it is the administration's analysis that shows if we passed this national 10-percent renewable portfolio standard with a 2020 deadline on it, we would save residential customers over $5 billion, we would lower natural gas prices by 6.8 percent, and that would have enormous benefits for our chemical, pharmaceutical, and other industries that rely on natural gas. It would also reduce electric utility carbon dioxide emissions by 7.5 percent.

This does not even take into account all of the benefits that I believe would flow from this amendment. When it comes to renewables, we in the United States need to catch up. We are behind in this effort compared to other countries and we need to spur innovation and creativity.

I also support Senator CANTWELL's amendment. This improves on a provision in the bill that would require the President to develop a plan to save 1 million barrels of oil per day by 2015. That is a laudable provision. Actually it was approved by the Senate 99 to 1, 2 years ago. It is unfortunate the President opposes this provision and has even threatened to veto the Energy bill over it. At a time when oil and gas prices are high, at a time when national security interests clearly dictate that we reduce our dependence on foreign oil, rather than rejecting this provision, we need to go further than we

went with the 99-to-1 vote, and that is exactly what the Cantwell amendment does. It establishes an ambitious goal of reducing by 40 percent the amount of oil the United States is projected to import in 2025.

Finally, we are a can-do nation. We can do this. This is something we should be committed to do. These are goals. These are not enforceable standards, but they spur us, they raise our aspirations, they help us to think more clearly about what we need to do to protect our Nation's economy and security.

I hope the President will relinquish his veto threat and that we will have strong bipartisan support on both the Cantwell and Bingaman amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There remain 58 minutes on the majority side and 50 minutes on the minority side.

Mr. DOMENICI. I want the Senate to know on our side we do not intend to use as much time as we have, unless other Senators want to speak. Senator ALEXANDER certainly wants some additional time.

Senator BINGAMAN, I don't know if your side needs the whole amount. We are trying to get a unanimous consent agreement shortly.

As the Senator from New York leaves the floor, let me say right at the offset, the Bingaman amendment is not a goal. If it were a goal, that would be something different. It is a mandate. There is a very big difference between a goal and a mandate. This says exactly what each State is compelled to do with reference to the kinds of energies that are described. When you boil it all down, it means ''wind'' for the time being. It means each State has to have it. And if they do not, they have to pay money to the Secretary of Energy or they have to buy wind-generated electricity from some other State.

While I am on that subject, I would like to put up one little chart. I would like to show this to the Senate. If you look at this map, you can see the white area, in particular the white area down here in the Southeast. The interesting thing is that the white area does not have any source of wind to meet this standard.

It is nice if you are not one of those States. But if you are one of them, it is not very nice because you are sort of wind poor. The other States are wind rich. Under this bill, the States that do not have that have to pay money, either to the States that do produce it for their wind energy or they have to pay money to the Secretary of Energy who uses that for research and technology development in the area of renewables and the like.

We have been on the floor many times when we spoke about issues on coal. I remember when I was a very young Senator, we had a big debate in the Senate about mandating a certain kind of coal be used. The Senate got very excited and hot about it because we were sort of drawing a line between the States and creating a terrible kind of chasm between the States, saying these States are going to be the ''have'' States, these States are going to be the ''have not'' States.

I admit that was a very serious problem, for the clean coal was not going to be used, in spite of it being clean, and the dirty coal was going to be used because we were mandating it. So it was in some ways similar, but it would have been billions upon billions of dollars in the development of resources, so it truly would have divided the country.

This divides us in another way, in a way that I think is not necessary. Let me say from the outset, for those who do not think the Bingaman amendment is the right way to go, they are not coming to the floor in harmony, en masse, saying we do not like wind energy.

Some may, but there are many who think wind energy ought to be developed and we ought to push the frontiers of technology. But no one should think that if we do not adopt the Bingaman amendment, we have a bill that is not going to push the development of renewables. The bill is laden with incentives to produce renewable energy.

As a matter of fact, the tax-writing committee that will bring their bill here shortly, I understand almost all of their allocation of tax reductions, the loss of tax revenues by way of credits or the like, almost all of it will be renewable. As a matter of fact, the very major tax credit that, I might say, is the principal reason wind is being developed at all is extended for 2 years at a very large cost to the taxpayers—maybe $3 billion or thereabouts.

We are pursuing the development of renewable energy led by wind, which at this point is the principal one unless we consider hydro, and I don't think we are considering hydro in any of this debate. It exists, and it has nothing to do with what we are talking about.

What I am suggesting, if the amendment does not pass, we have not abandoned an American approach to pursuing the technology called renewables led by wind in these United States. What we are trying to say is that one shoe should not fit every State. States that can't do this because of the unfortunate situation of nature—they do not have the wherewithal to produce it, or if they had to produce it, they would produce it in places they would not want to produce it because it would not be consistent with another use of that land that is paramount and has a priority to the development of windmills, such as right down the middle of a national park.

Having said that, another point was made by my distinguished friend from New Mexico, Senator BINGAMAN, who has been a tremendous partner in this bill. He knows on this issue we do not agree, but he understands that on 99 percent of this bill, we will fight for it and win and have an energy bill for the first time that has a lot of good, solid things for the country. My good friend Senator BINGAMAN said that other States already have these goals. They set their own requirements—not goals, their own requirements. He used the word that they have done so ''aggressively.''

I remind the Senator, and I think I am correct, that those States do not use the same formula for what will make up their portfolio of renewables. I submit, if the Senator would like to amend his amendment and allow the myriad kinds of energy production used in other States to meet their current goals or current mandates, that would be a good bill.

For instance, the State of Pennsylvania has a very aggressive plan. If you think ''aggressive'' means they have a very aggressive wind program that would meet the mandates of this amendment, that is not true. They are using other technologies consistent with their resources, many of which are related to products related to coal. Whatever remains after they use coal is reused, and they produce a clean source of energy that counts toward their goal.

We think nuclear powerplants will be built in the future. It seems it would be appropriate that a State might be given credit for that. We believe there will be very formidable advances in converting coal not only into clean coal but into coal that has the carbon removed that will, indeed, qualify for being as good for cleaning up with reference to the gases we are worried about in global warming as solar. It may end up, and from what I understand, even though it is new technology, it might be cheaper than what we think wind energy will be. It seems to me that is a more sensible approach. Provide a variety, a mix that would make up this 10 percent.

But we should not be causing certain States to pay a very big tax because they cannot produce solar energy. No one calls it a tax, but when someone takes funds out of their consumers' pockets and gives them to some other State, to some other utility in another State, if it looks like a duck and quacks like a duck, it is a duck. It seems to me that the easiest way to talk about this is that it is a tax. I don't think, when we look at all of that, this is the best way to do it.

I don't say this in any way to belittle those who have pursued this with vigor, who think it is a very good approach. Senator BINGAMAN makes valid arguments. The Senator from Tennessee, particularly in his way of getting to the bottom of things and articulating eloquently about what he has learned, has contributed immensely to learning just what this is all about. As a consequence, I am not at all sure as many people as thought this is a wonderful idea 6 months ago,

if they listen and understand, I am not so sure they would think this particular way to get renewables, led by a renewable called wind, would be the best way to go. I compliment him for that. I am not at all sure enough people are listening if we judge by the attendance in the Senate—and I don't think the people in America should do that. Senators are listening even though they are not here. If we judge on that, of course we will not change any minds.

As I see it, there is good reason to say: Look, we are doing enough right now with this enormous credit. Frankly, I will add to the credit, I will say something that is beyond dispute. We have asked those who gauge and judge, How much wind energy can you produce? What is the maximum that the fabricators of these products, these things you describe, Senator, that someone is building, that we will pay for—someone is making a lot of money on them right now because of the subsidy. How much could we produce per year for the next 2 or 3 years? The answer has come: You can't produce any more than the tax credit will cause you to produce.

Let me put it another way: This mandate has nothing to do with maximizing the production of wind so long as there is a credit. The credit is going to produce it. In a sense, why do you need both? One would say because of the long-term nature of a mandate versus we have 2 years, maybe 3 years of credits. But in America, the way we ought to look at this, you subsidize the technology so everyone involved can get with it and apply this ingenuity called America and do it better. This very large subsidy ought to surely get us in position where we can produce this wind—if that is what we want to do—that we can produce it cheaper, so the incentive is relevant to the next 8 or 10 years in that respect.

We ought to do better. To some extent, having the 10 percent out there and having the credit out there is a disincentive to maximizing innovation. What is the urgency? How are we sensitizing the marketplace to produce more efficient wind? When you give a tax credit and put a mandate on it, it seems to me whoever is doing it can sit around and say: We have a nice thing going, we do not need to change, just keep on.

I thought the idea was to move technology. It could be you are moving other technology besides wind. But there is a long way to go before you get some of that solar onboard. I don't think this will make that move in the next 10 years unless there is a big breakthrough that I don't believe will be caused by this mandate.

I have some other issues I was going to discuss. I will make a point about States that are already doing something. I call to mind Pennsylvania. One would not think of Pennsylvania as being a State with a lot of wind, producing wind energy, yet they are in red on my chart. That means they have to borrow from my friend, Senator BINGAMAN, an aggressive policy on renewables. But it is not predicated upon the same requirements of this bill. It is not a huge 10-percent wind component. It is made up of other things.

If we look at each of these States in red and ask which States are meeting this goal in an aggressive manner, and then come to the Senate floor and say how each State is doing it, and then say, Why don't we let any State that wants to do it in all of these ways and meet it—all we have said is if the State is doing it, they get credit. That is what the sponsor says. But we have not said if they do it differently than this in the future, they get credit, as I understand it.

If we have another red State added up here—and I don't think the red and the blue of the last election has anything to do with this map; we don't have blue up there; we have red and white—but if we added more reds before we had this bill, it would not be all wind or renewables as prescribed by this bill. It would be whatever they find meets their test of renewable energy. It seems to me that kind of flexibility would be much better.

What we have is an attempt to saddle the industry and consumers with a hefty price tag to support a limited set of renewable resources.

According to the Department of Energy, only 2.2 percent of total U.S. electricity generation in 2003 was comprised of non-hydro renewable energy sources such as geothermal, photovoltaic, solar thermal, biomass, municipal solid waste and wind plants. This is so despite years of government subsidies and programs to encourage renewable energy.

Of this 2.2 percent total, 44 percent came from biomass generation (mostly at industrial facilities), 26 percent came from municipal solid waste, 16 percent from geothermal waste, 13 percent from wind, and 1 percent from solar technologies.

The RPS focuses on that 2.2 percent of our generation, mandates an increase to 10 percent and essentially imposes a 1.5 cent per kilowatt hour tax on an increasing percentage of each year's retail sales of electricity.

If electric utilities do not build new renewable facilities and have to purchase all their credits from the federal government to meet the RPS mandate, the total cost of the inflation-adjusted RPS proposal is an estimated $190.8 billion in nominal dollars.

That is a worst case scenario estimation, but we must consider that risk when we are deciding whether this gamble on renewable resource mandate is the right thing to do. This proposal is a gamble not worth taking.

Mandating a Federal Renewable Portfolio Standard is an ill advised means of achieving increased renewable resource use.

Any effort to legislate on renewable generation requires realistic targets and due deference to States' rights to make decisions suited to best serve their citizens' needs.

The proposed Federal Renewable Portfolio Standard fails to recognize these principles.

States should definitely encourage their electric utilities to offer retail customers electricity from green energy to the extent it is available and encourage investment in renewable development. Most importantly, States should be afforded the right to develop their own RPS approaches without Federal interference.

States are best able to determine appropriate fuel types, societal costs, consumer protections, and requirements to meet Federal and State environmental regulations.

Today, 19 States and the District of Columbia have their own RPS programs. Others should be afforded the same right to develop an RPS without Federal interference.

The proposed RPS amendment penalizes those States that have already acted to establish a renewable program by requiring them to replace their State program with a new Federal program.

This amendment rewards certain regions at the expense of others. Solar has limited application east of the Mississippi, wind almost no application in the southeast, and virtually all geothermal is located in the West.

We cannot ignore the reality that utilities in some regions cannot meet a renewable mandate because they are not blessed with ample renewable resources.

To ignore this would be to require these to buy credits, forcing many consumers to pay for power they never receive, and would result in massive interregional cash transfers.

Utilities that do not have access to new renewable assets will wind up paying 1.5 cents per kilowatt hour and receive no power—their customers will pay a tax with no benefit and this could have significant costs to establishing competitive markets and to low income consumers where such markets do not exist.

Each State should decide for itself and its own residents the optimal mix of renewable and alternative energy sources.

I certainly advocate state policy makers coordinating choices to maximize regional efficiencies, but I do not support instituting a one-size-fits-all national plan.

States have historically had control over the fuel choices and resource development decisions. Past federal endeavors to meddle in fuel choice mandates have resulted in disasters.

Any effort to legislate on Renewable Portfolio Standards requires due deference to States' rights to make decisions suited to best serve their citizens' needs. This amendment fails to provide that deference.

Another problem with this RPS amendment is that it mandates an arbitrary quota for some renewable energy resources without any justification as to why only a limited set of renewable resources are included as eligible.

At a hearing held by the Energy Committee in March 2005, Dr. Nogee with the Union of Concerne Scientists was asked a Question about the effect an RPM on production from wind power. He explained that ⅔ of the RPS requirements would likely be met by new wind generation. Mandating mostly wind power when wind power is not mostly available around the country is poor public policy.

Some claim that an RPS would help address emission problems. I don't think that the goal of this RPS amendment is to help lower emissions at all.

If the RPS was truly a device to help lower emissions, why shouldn't companies receive credits for environmental improvement expenditures, like pollution control equipment. The proposed amendment does not include such credit.

If cleaner energy was truly the goal of the RPS amendment, why isn't coal gasification technology or nuclear power credited?

The Energy Information Administration has noted that an RPS will ''have little impact on sulfur dioxide, SO_2 or nitrogen oxide, NO_2, emission levels.''

If the goal of the RPS was to lower emissions, then a broader array of our renewable technologies—particularly clean coal and nuclear—should have been included in the category of resources.

For similar reasons, I don't think that the RPS can be legitimately justified as a means to help diversify our fuel needs or reduce dependence on foreign resources. If that were the case, a greater diversity of renewable resources should been included in the category of resources.

More effective and efficient solutions to this problem are available. In response to concerns with over dependence on foreign resources, we should focus our efforts on:

Nuclear power—which is one of our cleanest fuel resources;

Oil and natural gas from Alaska and other regions of the United States;

Coal of which we have abundant reserves; and

New hydroelectric generation—which have zero emissions.

If renewable resources are to become a greater contributor to our power sector, then competitive market forces should be allowed to operate. In order to facilitate the necessary competition, transmission must be available.

One of the barriers to entry for renewable development is the lack of transmission capacity to transmit electricity generated from remote areas long distances.

Before mandating fuel choice, we need to address the real need for improved transmission capacity. A number of the electricity title's provisions are directed at accomplishing this goal.

Renewable energy should be encouraged in a reasonable, effective manner. To that end, there are already extensive Federal and State subsidies in place as well as tax credits that I support.

We all support renewables—what we should not support is Federal command and control of the market in the disguise of help for renewables. Would Senator CRAIG desire to speak on this issue before we vote?

Mr. CRAIG. I am happy to speak.

Mr. DOMENICI. I yield to Senator CRAIG to manage time, and then when he leaves, he will give that to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 5 minutes to Senator JEFFORDS.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. JEFFORDS. I ask unanimous consent to deliver my remarks from my seat.

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

Mr. JEFFORDS. Mr. President, today I speak on Senator BINGAMAN's amendment to set a national goal to obtain 10 percent of our Nation's electricity from renewable resources. I support this idea. In fact, I have filed an amendment to go one step further—requiring 20 percent renewables by the year 2020.

America needs a national commitment to encourage clean domestic sources of renewable energy. I have been in the Congress for 30 years. I have seen the Nation make tremendous advances in areas ranging from medicine to the Internet. I have even witnessed the Red Sox win the World Series. Yet the Nation literally remains dependent on many of the same powerplants that operated when I first was elected to Congress in 1974.

When I think of the next 30 years, I envision an America where clean domestic renewable energy sources are an integral part of our Nation's electricity generation. As the ranking member of the Senate Committee on Environment and Public Works, obtaining 10 percent of our country's electricity from a renewable energy represents the modest end of what we could achieve. Let me offer three reasons I believe the Nation's commitment to encourage renewable power is needed.

First, renewable power would help consumers by reducing electricity prices. According to data provided by the Bush administration's Energy Department, a renewables requirement would lower consumer energy costs by the year 2020.

The second reason is the benefit to public health and the environment. A renewables requirement would dramatically reduce carbon emissions from powerplants. It would significantly also reduce emissions of sulfur and nitrogen oxides. These pollutants contaminate our water, cause smog and acid rain, and contribute to respiratory illnesses.

Third, a renewable electricity standard would enhance our energy independence and our national security by diversifying our energy supply. As we increase our reliance on natural gas, much of the demand may have to be met by liquefied natural gas shipped to the United States from other countries. It is unthinkable that we should sink to a greater reliance on foreign fuel imports when we have abundant, inexhaustible renewable energy here.

Currently, renewable energy accounts for a little over 2 percent of U.S. electricity generation. But the United States has the technical capacity to generate 4.5 times its current electricity needs from renewable energy resources. The potential is there, but we have to give it the assistance of market incentives, as we have traditionally done for our more established fuel sources.

I urge my colleagues to again demonstrate our strong commitment to renewables and support the Bingaman amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

Mr. President, in speaking to the Bingaman amendment, I believe renewable energy resources are an important part of our energy mix. I do not think any of us could argue they are not. I also believe all consumers should have the opportunity to purchase green power if they so choose.

But I must tell you, I strongly oppose including a nationwide mandatory renewable portfolio standard in this Energy bill. Adoption of this amendment, in my opinion, would increase consumer electrical bills at a time when we are trying to do just the opposite by the very legislation that is on the floor. This would have a particularly negative consequence for those who can least afford it, such as the working poor and the elderly living on fixed incomes.

For many regions of the country not blessed with renewable energy wealth, or resources, this RPS mandate would essentially result in a huge wealth transfer payment from consumers to the Federal Government or to renewable energy generators located in other areas of the country. In essence, if you say to all States, you have to meet this standard, and you by your physical presence on the globe cannot, you are not blessed with wind—and later on I will show this is dominantly for that purpose—then you will pay the price.

Adoption of this amendment would conflict with the RPS programs that have already been adopted in the way that we like good energy policy to evolve; that is, within the State and within the State structure. Twenty States already have developed renewable resource policies and implemented

timetables. This amendment ignores those States' programs; in other words, it says: Oh, well, if it fits there, it fits everywhere.

We have simply known in our country for a long time that energy has a State, if not regional, character. While there is some national value in tying it all together, the regional character of our energy production is still very real today and my guess is will be tomorrow.

The national Energy Information Administration estimates that wind energy would benefit most by the RPS mandate. In an analysis performed in 2003, EIA projected that wind energy would provide 141 billion kilowatt hours of generation by 2020. EIA's cost estimates for an RPS are heavily dependent on wind energy being built.

I would point out that a wind resource map prepared by the National Renewable Energy Laboratory graphically demonstrates that the entire southeastern region of the country has virtually no wind potential. Large areas of the upper Midwest have marginal wind potential, unless those States plan to build wind farms in the Great Lakes.

EIA's wind energy projection seems wildly, even naively, optimistic to me. Why? Because a wind turbine is just as vulnerable as any other energy facility to a localized disease in our country called ''NIMBYISM,'' or ''Not In My Back Yard'' syndrome.

And the fewer wind projects that are built, the more the RPS mandate ends up being just a new Federal energy tax that consumers will pay on traditional sources of energy, such as nuclear, coal, and natural gas.

Dollars will just be transferred from consumers' pockets to the U.S. Department of Energy to buy renewable energy credits so utilities can meet these RPS standards.

Even self-proclaimed environmentalists fall victim to NIMBYISM when the plans call for wind turbines to be built in their back yard. Apparently, wind turbines are fine in theory as long as the alleged proponents cannot see them.

Let's look at what has really happened when wind developers announced plans to build wind energy facilities.

Nantucket Sound: A wind energy firm announced plans to install 130 wind turbines, spaced one-third to one-half mile apart, more than 6 miles off the coast of Hyannis in Nantucket Sound. This project has been in the works for several years. The Massachusetts energy facilities siting board, in May, finally approved construction of two 18-mile transmission cables that would link the wind turbines to the shore.

The wind farms would provide Cape Codders with roughly 75 percent of their energy and New England with about 1.8 percent of its total energy needs. The power would come without air emissions or using a single barrel of Middle East oil.

You would think, with that kind of glowing announcement, the environmentalists would strongly support that approach. The answer is quite obvious—they do not. Many of them are up in arms organizing and moving against this very proposed idea. A coalition has been formed waging very expensive campaigns to stop the wind farm project. They are talking about it as if it were an ''Exxon Valdez'' crisis or disaster because of what it would do to the character of Nantucket Sound. ''Not in my back yard.''

Well, then, let's go to Vermont. A possible Vermont wind farm located on the mountaintops around East Haven is drawing local opposition. A ''large, diverse, well-organized citizens group'' is fighting the project and doesn't believe that wind energy has a place in Vermont. Well, wait a moment. Vermont is one of the most environmentally pure States in the Nation, by their own admission. And yet wind is supposed to be the most environmentally benign form of energy production. The ''Montpelier Times'' reported on the East Haven wind farm's future. Vermonters are saying it loudly and saying it clearly: Wind turbines have no place in Vermont.

Well, let's go to Maine. How about Maine? A 29-turbine wind energy project proposed for western Maine is being strongly opposed, again, by the environmental community of Maine. They are saying it will destroy the vistas of the Appalachian Trail. The project would be built 10 miles away from it. It is going to take a few roads and power lines. You have to have a road to get the turbine in place, and you have to have a power line to get the power away from the turbine. No, no. The park manager of the Appalachian National Scenic Trail wrote to a Maine newspaper that the project ''would be an 'in your face' facility for long stretches of the Appalachian Trail. . . .''

The debate goes on. But in Maine they are saying, as they said in Massachusetts and as they said in Vermont: Not in my back yard.

Well, let's go to Virginia, then. How about Highland County in Virginia? They are strongly opposing a wind turbine project 3 years after it was proposed. The project proposes construction of 18 to 20 wind turbines. More than 500 people attended a May hearing on the project. About two-thirds of the Highland County residents signed a petition against the project.

Again, that dreaded disease of NIMBYISM has struck in the heart of Virginia. ''Not in my back yard. No. Somewhere else. Not in my back yard.''

But what does the amendment do? It says that it better be in everybody's back yard or you are going to get taxed for it so it can be built somewhere else.

In Kansas, landowners and environmental groups bitterly fought construction of a wind farm. This is in the Flint Hills region of Kansas. The area is the largest surviving vestige of the tall prairie grass. I did not know that wind turbines would hurt prairie grass, but it does. Of course, the tall-grass prairies out there, without question, are a beautiful piece of nature. I do not deny that, as no one should.

Work began on the $190-million project in May of 2005, despite ongoing opposition. An environmental activist said:

> It's not a time for celebration, but a time for folks to redouble their efforts to protect the remaining Flint Hills.

And so on goes the article from the ''Kansas City Star.''

What is the conclusion one can draw from the opposition that is now mounting against those very large turbines? The Senator from Tennessee has been so clear in explaining what these turbines are all about. For those of you who do not understand the visualness of the large German turbine, step outside, walk out to First Street, and look back at the Capitol building. Look at the top of the Statue of Freedom, and then visually come all the way down to ground level. That is about tip to tip on the large turbines. That is just about how big they are, about 300 feet tip to tip. So they have high visibility because you have to get them up above the ground, on a large tower, and fit them into the airstream.

That is why people are reacting today. Yet we know that this RPS standard is dominantly a wind standard. That is how you get there—because we are not going to build any more large power dams in Idaho. Some would even deny that hydro is a renewable resource. We know we are not going to do much more geothermal because not all States are blessed with the dynamics of geothermal energy. My State has a little of that. Dominantly, what we are talking about is wind, and some photovoltaic, although wind is by far more advanced in its engineering and its development.

As these stories and experiences make clear, wind energy facilities are no more immune to NIMBYISM and the syndrome and that lethal virus than any other item when it comes to disturbing the character or the uniqueness of one's personal surroundings. It is how we believe. It is the character of our own local community. So when many over the years have said, ''Oh, but this is the most benign of all energy production, this fits our environmental portfolio,'' we are finding it is quite the opposite. Really, nothing fits some people's portfolio when it comes to energy production.

If wind farms are OK as long as they are built somewhere else, then where are the right places? Where are all these wind turbines going to go to be built that EIA assumes are going to be built under an RPS mandate? Will wind turbines be built in remote areas of the country without enough transmission capacity to move the power to where the consumer is? More than likely. Texas has a State RPS program, and a lot of wind capacity has been built in

that State. Unfortunately, about 1,000 megawatts of wind capacity was built in west Texas on the wrong side of a transmission constraint. Got the turbines, can produce the power, can't transmit it to where the people are. As a result, a lot of that wind power has been stranded.

The regional coordinator responsible for maintaining reliability of the Texas transmission grid has stated that ''the sparse transmission system in the area has required almost daily limits on the output of this [wind] resource to keep within transmission operating limits.''

Maybe we can build all of the wind power we need in North Dakota. It has been called the Saudi Arabia of wind potential. I know the Senators of that State are strong supporters of this RPS mandate. Unfortunately, according to the North American Electric Reliability Council, the reliability region in which North Dakota is located is monitoring 31 transmission constraints already within the grid of that region.

The NERC 2005 Summer Assessment Report states that ''these constraints can limit [power] imports and exports,'' and the story goes on.

Now you can see why I suggest—and I hope many support the idea—that States do it on their own as it fits their needs. But when we create a national mandate on a renewable portfolio, and it is restrictive to the character of the region or the capacity of the region, we are taxing one area against another. That simply is not good public policy. I don't think it ever takes us where we want to go.

What we crafted in our Energy and Natural Resources Committee and is now on the Senate floor as a very important piece of legislation took into consideration all of what we thought was important and right. It is a bipartisan piece of legislation. I hope the amendment that I have spoken to—and that others are speaking to—will be rejected by the Senate. It simply does not fit. It will not bring us where all of us want to go, and that is to greater sources, cleaner sources, reliable sources, a mix of sources, in our energy production for this country. I hope my colleagues will reject the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield 10 minutes to the Senator from Colorado, Mr. SALAZAR.

Mr. SALAZAR. Mr. President, I rise in support of Senator BINGAMAN's amendment, the renewable energy standard or, as we have come to know it, the renewable portfolio standard. When we consider the imperative with which we deal today in the Senate, we are talking about whether we can get the United States to energy independence, whether we can set America free from being held hostage to the importation of foreign oil from Iran, Iraq, and Saudi Arabia, from those places in the world where for 30 years their stranglehold on America has continued to increase day by day with no end in sight. Energy independence at the end of the day is what we should have a bipartisan consensus on with respect to this legislation.

The legislation which has been prepared by the Energy Committee came together in that kind of a bipartisan fashion, led by Senator DOMENICI and Senator BINGAMAN. It is a good piece of legislation that we can improve on. I believe the RPS proposed by Senator BINGAMAN, which would require that 10 percent of our electric generation come from renewable sources by 2020, is a very modest goal for us to have. Indeed, the experts around this country who talk to us about energy say if we have the will and the courage, we could get up to a much higher amount than 10 percent by 2020. They will tell you that we could get to 40 percent within probably 15 years, 20 years, to 2025. So the proposal that is currently being considered under this amendment is a modest proposal that moves us in the right direction.

In my own State of Colorado, in this last election in 2004, there was a proposal considered by the voters of our State. That proposal on an RPS was adopted by an overwhelming majority of the people of Colorado. What it requires us to do is to get to a point where we have produced 15 percent of our energy by the year 2020. Fifteen percent of the energy of Colorado will come from renewable sources by the year 2020. The Bingaman amendment has a more modest goal at only 10 percent by 2020.

If we can do that amount of renewable energy and meet that standard in my State by 2015, there is no doubt that we can do that with the amendment that Senator BINGAMAN has offered. My view is that setting America free from its overdependence on Saudi and Venezuelan oil is an imperative for our Nation. We must first conserve and increase efficiency, we must invest in renewable energy resources, we must develop new technologies, and we must pursue a balanced approach to developing domestic energy. This bill does much of that. The amendment that is currently on the floor of the Senate will help us move even further forward on those goals.

The oil savings provision that is already in the Senate Energy bill represents an important, if modest, goal for achieving some measure of independence from foreign oil. But it is, frankly, not enough. I am encouraged by the strong show of support for the Cantwell amendment to raise that bar even further. I am proud to be a cosponsor of her amendment. I believe we need to do more to achieve oil energy savings. But the grave problems we face with respect to long-term domestic supplies of oil are only part of the story. Even if domestic reserves of oil and other fossil fuels were limitless, the way we use hydrocarbons is jeopardizing our way of life. Sooner or later—and I prefer sooner—the people of our great country must embrace the energy challenges of the 21st century and figure out how to produce clean and abundant energy from domestic sources that do not produce carbon or other greenhouse gases and that do not involve recurring problems of intermittent supply from politically unstable and overly hostile regions of the world.

Although we have been encouraging progress in the development of new carbon-free technologies, there is still a lot of work for us to do. Earlier this year I visited the National Renewable Energy Laboratory in Golden, CO, and saw some of the cutting-edge technologies that the scientists there have advanced with respect to wind energy. I saw solar energy collection cells that could double as 20-year roofing shingles and some of the most advanced solar technologies America has developed. Today we produce only about 8 percent of our electric power needs from renewable energy sources, and most of that—approximately three-fourths of the total or 6 percent—comes from hydropower. By contrast, the two most common sources of renewable—solar energy and wind power—account for less than 1 percent of the total electric power.

Why do these sources of renewable energy account for such a small fraction of our electric energy needs, even after three decades of effort? There are at least three reasons to that question. The first is technological, and the second is economic. Both of those are closely related. As new energy technologies have advanced and solar panels and wind turbines have become more efficient, the relative cost of generating electric power from these energy sources has declined. Despite these impressive growth rates, however, and despite decades of research and development, these new energy technologies still suffer from serious engineering and economic drawbacks. Hydrogen fuel cells, despite their promise, are still many times more expensive than an internal combustion engine, and they will require several more decades of research and development to be competitive.

Likewise solar power, even after three decades of research and development, still costs five times as much as coal-fired power. Moreover, there are inherent limits in the quality of the energy these new energy technologies can produce. They are intermittent sources of energy, and they are not always located near a load source. Therefore, investment in transmission infrastructure and advances in control technologies are necessary before renewable energy sources can provide a dominant share of the future energy mix.

The third reason that alternative energy sources claim such a tiny fraction of the energy market is political. We can change that today. Alternative sources of energy must compete in an energy market dominated by hydrocarbons and the industries that profit from those hydrocarbons. I introduced

legislation that would begin to level the playing field and provide tax and other incentives for renewable energy sources. Today the Finance Committee is marking up its tax title which will extend the production tax credit for certain renewable energy sources. Those incentives are extremely important for these relatively immature power industries.

Americans across the country recognize that renewable energy is an important part of our future, and they recognize that Government should be doing more to promote this type of energy. I stand with Americans who have that point of view.

On Tuesday, the White House released a statement that they do not support any kind of renewable portfolio standard. Here is one case where the President and I differ in a fundamental way. I believe the Energy bill should be a way to move us away from foreign oil, away from pollution and towards independence. I do not understand the reason the President is on the other side of this issue. The United States needs to take substantial steps forward with renewable energy. Colorado and all of the West is positioned to be America's innovation hub of the future. That is why the Federal standard of renewable energy development, which Senator BINGAMAN has proposed, is so important. Investing in these nascent technologies now will significantly improve our ability to produce energy from renewable resources.

But it is just as important for the U.S. Congress to establish a Federal standard, an achievable goal of producing a minimum amount of electric power from renewable energy sources, to establish uniform national goals and an active credit trading market based on those goals.

Other benefits of Senator BINGAMAN's renewable energy standard are the following: A standard similar to Colorado's 10 percent by 2015 is aggressive enough to stimulate the market and produce widespread and rural economic benefits. Secondly, a 10-percent RPS by 2020 will help reduce natural gas prices by reducing demand for electricity generated from natural gas powerplants. Studies show that consumers will save $9.1 billion on their natural gas bills and $4.4 billion on their electricity bills between now and 2020, for a total savings of $13.5 billion. And third, renewable energy technologies create more jobs, nearly twice as many as in traditional fossil fuel industries. The Bingaman amendment would create about 58,000 new jobs a year for America.

This kind of commonsense approach is something that the American people expect of all of us.

Let me say two final things with respect to the RPS. First, it is going to create a problem for industry and for this Nation to have a haphazard patch of RPSs around the States as they are adopted State by State. Therefore, it would make more sense to have a national standard so that industry can recognize it has to live up to one standard.

Finally, I suggest that to make renewable energy a significant part of our energy portfolio is something that makes common sense because of the national economic security issues that we face, because of the economic opportunities that it will bring to rural America, and because of the fact that we need to deal with this issue that is creating so many problems for us around the world, especially with overreliance on oil from the Middle East.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. BINGAMAN. Mr. President, I will defer to Senator DOMENICI if he wants to do something at this point.

Mr. DOMENICI. Yes. This has been cleared with both sides.

I ask unanimous consent that at 2:15 today, the Senate proceed to a vote in relation to the Cantwell amendment, which will be modified with the changes that are at the desk, which we have seen. I further ask that following that vote, the Senate proceed to a vote in relation to the Bingaman amendment; provided further, that no second-degree amendments be in order to either amendment prior to the votes; and finally, prior to the vote on the Cantwell amendment, there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that there is no provision for wrap-up debate on the Bingaman amendment.

Mr. BINGAMAN. Mr. President, we would like 2 minutes equally divided prior to the vote on the Bingaman amendment. I guess there is no need for 2 minutes before Cantwell because they have a period of time before theirs, but 2 minutes equally divided would be appreciated.

Mr. DOMENICI. I ask that that be added to the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 10 minutes to Senator DORGAN from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first I thank Senator BINGAMAN for this amendment. I support the amendment. It advances, improves and strengthens the underlying energy bill. I know that the term ''renewable portfolio standard''—we have talked about that—is not necessarily something everybody understands. Much of what we do in the Senate sounds like a foreign language. Renewable portfolio standard. I think what this is is an American-made amendment, a home-grown energy amendment. It says what we ought to do is take charge and decide we are going to move in a different direction.

My colleague said, and other colleagues have said, yes, we are going to continue to use coal, oil and natural gas, and I support that. We must continue to use fossil fuels. We also need to understand that we are increasingly dependent upon a supply of oil that comes from under the sands of the Middle East. A very small part of this world has an inventory of a very substantial part of the oil resources that exist in the world. To be hopelessly addicted to that oil—foreign sources of oil—makes no sense. So as we developed a new energy bill, I think we did an excellent job in the Energy Committee. I have complimented Senator DOMENICI and Senator BINGAMAN at some length about that. We have produced a bipartisan piece of legislation and brought it to the floor.

During the debate in committee, we recognized that we would reserve this amendment for the floor of the Senate and debate it here on the floor. Again, I call this the home-grown energy, or an American-made energy amendment.

Let me use a picture to make a point. This happens to be a photograph of a wind turbine just south of Minot, ND. There are actually two wind turbines that sit on a hill south of Minot. North Dakota is a wonderful State. I am enormously proud to represent North Dakota. We happen to be fiftieth in the 50 States in native forest lands. Translated, we are dead last in trees. It is a great State. We happen to be dead last in trees. We put up a wind turbine here and there, and we like it because we are also a State that has more wind than almost any State in the Nation. We are dead last in trees, but we are first in wind—some say especially when I am at home on the weekends.

The Department of Energy says that North Dakota, among all of the States, is the ''Saudi Arabia of wind.'' We have more potential to develop wind energy than anywhere in America. So this wind turbine is south of Minot, ND. I happen to have had a role in this wind turbine because we on the Appropriations Committee put money in for the air base to buy green power. Eight air bases are buying green power. Two of these wind turbines went up, and they are supplying wind energy to an air base. Incidentally, these turbines are named. The two south of Minot are Willy and Wally. I am not able to determine at first glance whether this is Willy or Wally. They are essentially twins. We care a lot about them and this turbine is an example of the new technology—much more efficient technology—by which you can take energy from the wind and turn it into electricity.

In the long term, I think we will be able to take energy from that wind, through these turbines, and turn it into electricity, and through the process of electrolysis, separate hydrogen from water and produce hydrogen for hydrogen fuel-cell vehicles. What a wonderful thing for this country. Then we won't be quite so addicted to oil from Saudi Arabia, Iraq, Venezuela, or Kuwait. Maybe we can shed that addiction.

As we begin to talk about energy in the future, we have all talked about natural gas and the increased use of natural gas as a result of both our country and industry wanting to have cleaner burning fuels. Now we are realizing that we don't have enough natural gas to keep up with demand. So now we are beginning to talk about how much natural gas we will import into this country. The demand for natural gas continues to increase rather substantially. We are talking about new terminals for LNG and how much LNG we will import into this country to keep pace with our need.

Isn't that moving in exactly the same direction as we find ourselves now with oil? Should we not, with just as much aggressiveness, decide we want to change the whole construct of our energy mix, to the extent we can? The answer should be yes. That is why a home-grown energy amendment makes a lot of sense.

As I said yesterday, I understand there will be opposition to every proposition that changes the way we currently do things. I understand that. ''It won't work, can't work, bad idea.'' The fact is, this amendment asks the question, will we begin to take control ourselves? Will we take control?

This is a very simple proposition—in fact, milder than some. It says, of the electricity we produce in this country, 10 percent of it should come from renewable sources. This is not a giant lift.

I understand there are some in the electric utility industry, and others, who feel this should not happen. They don't want this. They believe it is an intrusion. But I also understand we are trying to march toward a different energy future. We are trying to push a bit, trying to stretch a bit to see if we cannot remove this hopeless addiction to foreign sources of energy. That is the basis of this amendment.

My colleague from New Mexico, Senator BINGAMAN, is going to describe information about what this amendment, if we pass it, will mean in terms of the use of fossil fuels versus the use of renewable sources of energy, what it means in costs, and what it means in the reduction of energy dependency that now exists. I think this is not only a win-win, but a win-win-win amendment for everybody. So what we are trying to do is harness energy we can produce.

Using 100 kilowatt hours of wind power each month is the equivalent of planting one-half acre of trees, or not driving 2,400 miles. Think of that. Put up a turbine—by the way, I understand the turbines didn't use to be so efficient. We had to have much more of a boost and incentive. Now they are highly efficient. Put up one of these turbines and use the wind to produce electricity. Use the wind to turn that turbine, and from it produce the electricity. And 100 kilowatt hours—incidentally, this is probably 10 times that; this is about a megawatt. But 100 kilowatt hours is the equivalent of planting a half acre of trees or not driving 2,400 miles. That is the savings in energy.

This amendment will also reduce electric sector carbon dioxide emissions by 7.5 percent. That is a great result also, because we are going to have other debates on the floor of the Senate about global warming, about CO_2, about all of these related issues.

This amendment moves us in the right direction in several areas. It makes a lot of sense. I hope at the end of this discussion we will have sent a message to the country and to the world that, while this is a good bill that came out of committee, we have improved it. This amendment moves us well down the road to a substantial improvement with respect to our energy future.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. DORGAN. Mr. President, we will have other debates of consequence on these issues. Yesterday, we had a big idea, which said let's reduce our dependency on foreign oil by 40 percent in the next 20 years. We had people stand up and say, oh, my gosh, we cannot do that; what are you thinking about?

We went to the Moon in 10 years. If we can go to the Moon in 10 years, we ought to be able to find a way to reduce our hopeless addiction to foreign oil in 20 years. Of course we can do that. I am tired of the can't-doers around here. Let's have some of the can-doers decide to affect the destiny of this country's energy future. Our country's economic future, our children's ability to find jobs, our economy's ability to expand, and our ability to remain a world economic power depends on energy. When the tank runs dry, this economy goes belly up.

This amendment describes an opportunity for us to move in a slightly different direction—toward home-grown energy, American made—believing in ourselves, taking control and taking charge. I support this amendment. I hope the Senate will give it very broad support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am tempted to ask why we should have to raise electric rates in Tennessee to build windmills in North Dakota, even as much as they like them. I would prefer to send every single one of these gigantic public nuisances to North Dakota if they want them. What I object to is raising our electric rates to build them. That is what we are doing. I want to go back over carefully what Senator BINGAMAN said earlier about the letter, describing his proposal.

The one thing we can be sure about, regarding the Bingaman proposal, is it is a multibillion dollar increase in electric rates on the bills of most Americans. Surely in Tennessee it will be, because here we are, referring to this map. Senator DOMENICI pointed out the white area on the map. The prior Presiding Officer is from South Carolina and the present Presiding Officer is from Florida. They find themselves here in the white area. There is no wind down there. Now, it is true that under the Bingaman amendment, they might try to make enough electricity from solar or from geothermal or from biomass. But what the letter says is two things. The letter from the Energy Department describing the proposal of the Senator from New Mexico says it will cost an $18 billion increase in electric rates between now and 2025 in order to start making our electricity out of this limited number of ways that we call renewable energy, instead of the way we normally would do it. And if we are not able to do it—if in Tennessee, Florida, or South Carolina we cannot meet the 10 percent with big windmills or solar or biomass or landfill gas or geothermal, then we write a check to the Government. So we pay a tax or we raise our rates or we do both.

Now, the Senator from New Mexico did correctly go back to the letter of June 15 and point out I had said that the letter from the Department of Energy says that, over 20 years, the cumulative total cost of the electric power sector is about $18 billion for this amendment.

We have been having a big argument down here about the Clean Air Act, whether to take the President's version or, say, the Carper version, which I cosponsored. According to the Environmental Protection Agency analysis, the difference is a $5 billion effect on the economy, and everybody was shooting off rockets about that. This is $18 billion.

But the Senator from New Mexico said keep reading the letter. It says:

> . . . cumulative expenditures for natural gas and electricity by all end-use sectors taken together decrease by $22 billion.

That would look like the net increase was almost nothing.

The problem with that is that assumes the price of natural gas is $5. That also looks at the year 2020. If you go out to 2025 with no RPS, according to the Energy Information Administration, the cost of natural gas is $4.79 and the cost with RPS is $4.79.

What I am saying is, I do not believe we can count on a reduction in the price of natural gas to $5 to offset this $18 billion increase in our electric rates that this amendment will produce.

The Senator from New Mexico is perfectly entitled to say: If you do not believe their estimates about natural gas, why do you believe their estimates about the increase in the cost of electricity? And he would have a point. But I think the one thing we can be sure of about the new mandate of the Senator from New Mexico is that it is a multibillion-dollar rate increase of some number.

We do know in the area where the Senator from Florida lives and where I

live, if the utilities produce what they are more likely to produce, they will produce electricity using nuclear power, which is carbon free, and coal. I am told that today the cost of nuclear, after it is built, is 1 cent per kilowatt hour, coal is 2 cents, natural gas is 4.8 cents, and wind is 4.8 cents, and these preferred methods in the Bingaman legislation all cost more. In other words, this is an order to Tennessee and Florida to not do what we would normally do but do this limited number of renewable fuels and, in the process, pay for it with a big increase in our electric rates.

The Tennessee Valley Authority has just announced it is considering a 7-percent rate increase. I recruited a lot of automobile plants to Tennessee. I know that aluminum is made from electricity, an electrolysis process. If these electric rates go up too much, those jobs go overseas. They will be gone by 2020 and 2025 if we put in an $18 billion increase on electric rates.

You may assume that natural gas will go down to $5 a unit. It is $7 today. Or it might not go down to $5 a unit. But it looks to me, under this mandate, the only way electric rates can go is up.

Also, the EIA letter says there is no appreciable decrease in NO_X to clean the air, no appreciable decrease in sulfur dioxide to clean the air, and the price of natural gas does not go down. By the year 2025, according to the Energy Information Administration, the price of natural gas is $4.79, with an RPS or without it.

What we have before us is a proposal to select out a very few nice sounding ideas and say let's charge the ratepayers of America $18 billion to put them in and hope the price of natural gas goes down over 20 years to offset it. That is what we are saying. We are assuming during all that time there is no growth in nuclear power.

Why would we be over here even talking about spending $18 billion to create tens of thousands of new gigantic windmills to run the American economy and spending $11 billion to produce by 2025 one-fifth of 1 percent of our total electricity in solar? That is what this would do. Why don't we do something that we know would create large amounts of carbon-free electricity?

I can go to that list. We know that nuclear power produces 70 percent of our carbon-free electricity. For those who care about global warming—and I am one Senator who does—I do not want to rely on windmills and solar energy that produces one-fifth of 1 percent of our total needs to get us where we need to go in terms of carbon-free energy.

So why don't we take this money, if we have it, and accelerate advanced nuclear powerplants, accelerate carbon recapture and sequestration, spend a reasonable amount on solar, accelerate coal gasification powerplants, accelerate conservation and energy efficiency. That is the way you have carbon-free air—conservation, nuclear power, coal gasification, and carbon sequestration, not tens of thousands of windmills.

I am not anxious to go home to Tennessee and say: We are worried about the Japanese, the Chinese, and the Indians taking our jobs and buying up the oil reserves, we are worried about our clean air, gasoline prices are high, natural gas prices are at a record high, and our solution: tens of thousands of windmills.

The Senator from New Mexico said there are many things that can be done, but the EIA letter which he cites has an estimate of what the effect of this mandate would be. It could be more or less, but this is what it says. It says we will have 35,100 new gigantic wind mills. That is a lot. We have 6,700 today, and we will have 35,000 new wind mills.

Let me take an example of these wind turbines. There is one new nuclear powerplant being opened in America today and that is at Browns Ferry. It is about 2,000 megawatts. If you had 2,000 1-megawatt wind turbines, that would spread over an area two times the size of the City of Knoxville, TN. But 2,000 would not produce the same energy you get from that one nuclear powerplant because wind turbines only work 20 to 40 percent of the time, so you have to have 4,000. So it is an area two or three times the size of Knoxville, TN, and you do not even get to close the nuclear powerplant because people want their electricity all the time, not just when the wind blows.

The Senator from North Dakota mentioned he had gotten a nice subsidy for his two big wind turbines in North Dakota. Well, that is terrific. So now they have three subsidies to build these two giant windmills. We committed $2 billion of taxpayers' money—that is such a preposterous number for this purpose, I can barely speak it—$2 billion of taxpayer money over the next 5 years for windmills. The Finance Committee suggested another billion. This mandate would, by causing those who cannot produce enough wind to write a check to the Government, be yet another subsidy, and if you know the Senator from North Dakota, you can get a third subsidy to build windmills.

Why don't we get the same amount of interest in conservation, nuclear power, coal gasification, and carbon sequestration and really clean up the air?

There is one last point I would like to make, and I will be through. The Senator from Idaho talked about the landscape a little bit. I think solar power is terrific. I have an amendment with the Senator from South Dakota to expand solar-produced power. Production tax credits have gone all to wind and left out solar power. Biomass has a great future.

I guess beauty is in the eye of the beholder, but I had always thought that the great American outdoors was one of the most essential parts of our character.

Egypt has its pyramids, Italy has its art, England has its history, and we have the great American outdoors. I do not think it is right for us to subsidize the building of these gigantic machines which are twice as tall as a football stadium and extend from 10-yard line to 10-yard line that can be seen for 20 miles away and destroy the American landscape when there is no real purpose for it. At the same time, we have unreasonable, massive subsidies to the developers to do it.

I hope we will defeat this amendment, and that is a part of the reason. I will not be through looking at these subsidies for wind power before we get through. I do not think any of us should be embarrassed that it is not right to destroy and scar the American landscape by building these what I believe are public nuisances when instead we could be producing carbon-free energy by conservation, nuclear power, coal gasification, and carbon sequestration.

This is an $18 billion increase to the ratepayers of America. Maybe you believe that the lower price of natural gas in 20 years will make up for that. I would not count on it.

REGIONAL CAPACITY

Mr. NELSON of Florida. Mr. President, energy diversification is important to the future of our country; and for that reason, the distinguished ranking member of the Energy Committee has proposed an amendment to require 10 percent of our electricity to be produced from renewable resources by 2020. However, for those regions of the country that do not have the capacity to greatly increase renewable resources in their State, a financial hardship may result through no fault of their own. My State of Florida is one of the States that will have difficulty meeting the standards because the geological, climatic and topographical conditions make it impossible to harness certain forms of renewable energy like wind and hydropower. Furthermore, the Energy Information Administration concludes that Florida's energy technical potential for renewable energy is 8 percent. Currently, Florida has 1.8 percent in existing renewables; and more than 50 percent of that 1.8 percent comes from municipal solid waste, a form of renewable energy not included in the definition of ''new renewable energy'' in the ranking member's amendment. For these reasons, I have expressed my concerns to Senator BINGAMAN. While I remain supportive of expanding the use of renewable energy supplies, I would prefer an approach that recognizes the regional differences in the ability of States to meet a renewable portfolio standard. An RPS standard cannot be rigid, it must be flexible.

Mr. BINGAMAN. I appreciate the concerns of my colleague from Florida. As you know, I continue to push for a renewable portfolio standard because the increased use of renewables can ease natural gas price volatility and

decrease our dependence on fossil fuels and foreign imports. Having said that, differences do exist from region to region and State to State with regard to renewable energy potential. I would like to extend an offer to Senator NELSON of Florida to work in conference to find a method that will enable a renewable standard to accomplish the goal of increasing renewables while recognizing the legitimate differences among States. I acknowledge that municipal solid waste plays a large role in Florida's renewable potential and I would be willing to recognize that potential as part of our discussions in the conference. I believe we can find a way to help each State include a renewable standard as part of their overall energy production, and I am committed to working with Senator NELSON to accomplish this.

Mr. NELSON of Florida. I want to thank Senator BINGAMAN for his work on this energy bill and his commitment to work in conference to address my concerns with the renewable energy standard specifically. I look forward to working together on this important provision.

Mr. TALENT. Mr. President, I rise in opposition to amendment No. 791, Senator BINGAMAN's amendment which would require a mandatory renewable portfolio standard, or ''RPS.''

I am a big supporter of new, clean forms of energy. I am convinced that we cannot become energy independent without making renewable energy resources an important part of our energy mix.

I also believe that each region of the country has something to offer to meet this country's clean energy needs, but what each region has to offer is not the same. For that simple reason, I oppose including a nationwide, mandatory renewable portfolio standard in this energy bill.

In particular, for many regions of the country not blessed with renewable energy resources, this RPS mandate would essentially result in a huge wealth transfer payment from consumers to the Federal Government or to renewable energy generators located in other areas of the country. The amendment ignores the reality that some regions of the country simply do not have the amount of renewable resources demanded by this amendment.

The leading advocate for wind power, the American Wind Energy Association, lists my home State of Missouri as the 20th best state for wind energy potential. That would seem to imply that Missouri would have no trouble meeting a 10 percent RPS with wind energy.

However, the detailed studies done by the National Renewable Energy Laboratory show that the wind Missouri does have is of insufficient power and consistency for utility grade wind turbine applications. In other words, the utilities in Missouri cannot build windmills in the State to meet an RPS. There's just no wind to make them turn.

Missouri is not the only State that finds itself unable to use wind, the one renewable resource that RPS proponents do not dispute is central to meeting the proposed requirement. The wind resource map prepared by the National Renewable Energy Laboratory graphically demonstrates that the entire southeastern region of the country has virtually no wind potential. Those States are even worse off than Missouri. Moreover, large areas of the upper midwest have marginal wind potential, unless those States plan to build wind farms in the Great Lakes, and I don't think any of us expect that to happen.

So if not wind, what else might be used? The proposed amendment lists a limited number of forms of renewable energy that meet the requirement—solar, wind, geothermal energy, ocean energy, biomass, landfill gas, or incremental hydropower.

My State has just a little bit of hydropower. However, under Mr. BINGAMAN's proposal, existing hydropower, though clearly a renewable resource and one of the very cleanest and cheapest sources of electricity, inexplicably does not count. All of the hydropower in the Pacific Northwest also does not count under this proposal.

My State also has a generator that burns tire chips. Every tire that is burned to make electricity is one less that will be tossed into our overburdened landfills. That is certainly something we should encourage, but are tires considered renewable? I do not see us driving cars without tires anytime soon. Nevertheless, tire chips do not count, either.

The National Renewable Energy Laboratory has also found that Missouri does not have utility-scale geothermal, solar, or fuelwood biomass resources, either. So what do I tell my homestate utilities that they should use to meet this RPS requirement?

This morning, Sen. BINGAMAN acknowledged that many States do not have access to the best renewable resources. He recognized that wind, solar, and geothermal resources are generally concentrated in western States. These are the major sources of clean, renewable power. He suggested that, no matter, another renewable—biomass—is available in every State. What he did not tell you, however, is that you can not just toss switchgrass or other biomass into a boiler and churn out electricity.

Biomass is not generally used to make electricity today, and its use is not without substantial costs. It must be thoroughly dried before burning. That requires lots of space and energy for drying and, obviously, it can not be stored outside in a heap like coal. Building a drying and storage facility to process and store the mountain of biomass it would take to meet an RPS requirement would cost a lot of money. There would also be quite a cost to gather and transport these materials from the hundreds of acres it would take to grow sufficient biomass just to equal a couple of tons of coal. Plus, there is a substantial cost to consumers for utilities to modify their boilers to co-fire or blend biomass fuel. And, on top of this, burning biomass may leave the utilities with additional cost to comply with the Clean Air Act.

Proponents of a mandatory RPS say, ''Just buy wind power from wind generators in other States.'' Sounds easy enough, but how do we get that power to the State? Wind turbines obviously have to be built where the wind is. These locations are usually remote and far from our cities where the electricity is most needed. In most every instance, there is insufficient transmission capacity to move that power to where it is needed. And at $1 to $3 million a mile, new transmission does not come cheaply, nor is it easy to get all of the necessary approvals to get it built. So I am not ready to say I can count on economically transmitting wind power to Missouri, if at all.

Moreover, wind turbines are just as susceptible to fierce local opposition as any other energy facility proposed near population centers. Senator ALEXANDER has highlighted how large and intrusive each of these modern wind turbines are. And while one on the horizon may be interesting, it will take hundreds of them on that horizon to meet a 10 percent RPS requirement. I do not know that this is how any of us want to meet our Nation's energy needs, if we can even get that many wind turbines built.

What is the result if this wind energy does not get built or can not be delivered? This RPS amendment will end up being nothing more than a new energy tax on consumers who depend on traditional fuels for their electricity. Higher energy costs, particularly those that result in a wealth transfer payment from our constituents to the Department of Energy, is not good energy policy.

Utilities in my State already voluntarily offer the green power that they have available to their customers if they prefer to buy green. They are adding wind generators where they can—For example, Kansas City Power and Light is adding up to 200 megawatts of wind power in Kansas. This is about as much as they have found feasible to produce there. But this does not even come close to meeting a 10-percent RPS requirement.

According to EIA, total electricity sold in 2002 by the Missouri utilities that would have to meet the proposed RPS was 47,378,256 megawatt-hours, meaning Missouri utilities would have to produce 4.7 million megawatt-hours of renewable electricity, and this amount will only grow, as electricity demand has increased in recent years by nearly 5 percent.

KCP&L's 200 megawatts of wind energy capacity will translate into no more than 584,000 megawatt-hours of wind energy, assuming the energy is available ⅓ of all hours of the year, far

short of the 4.7 million megawatt-hours that a 10-percent RPS requirement would demand. Even on a capacity rather then energy basis, the 200 megawatts would only equate to 5 percent of KCP&L's current generating capacity of 4,000 megawatts.

KCP&L estimates that to meet the RPS requirement it would face with wind energy, it would need as much as 450 megawatts of wind. This equates to about 297 wind turbines, each of which needs at least 60 acres of land, meaning it would take upwards of 18,000 acres of land to meet the RPS requirement. KCP&L estimates the total cost of complying with the RPS proposal to be between $400 and $500 million. And that's just one utility that serves just a portion of Missouri.

Today, the cost of all types of energy is at unacceptably high levels. Adoption of this amendment would increase consumers' electric bills, since if a utility cannot meet the standard, it would have to buy credits at 1.5 cents per kilowatt-hour.

Missouri's average retail rate for electricity is around 6 cents per kilowatt-hour, making the RPS amount to a 25-percent increase in cost to Missouri customers for this portion of their electricity needs. This would have particularly negative consequences for those who can least afford it, such as the working poor and the elderly living on fixed incomes.

This is just a wealth transfer from States with little renewable resources to those with a lot. We do not do this for any other source of electricity—States with low cost coal or hydropower do not subsidize States that rely on higher cost fuels such as natural gas. Why should we have some States subsidize others to promote a selective fuel for producing electricity? At 1.5 cents per kilowatt-hour, this could cost Missouri consumers as much as $71 million a year.

Such a large sum of money would be better spent in shoring up our Nation's transmission grid or pursuing other clean energy sources. Missouri utilities are voluntarily spending hundreds of millions of dollars pursuing clean coal technology to take advantage of the natural resource that is readily and economically available to Missouri, just as other States are doing what they can with the resources they have available, whether that is coal, natural gas, wind, biomass or other forms of energy such as nuclear.

Utilities are also spending hundreds of millions of dollars to retrofit their plants to remove NO_X, SO_2, and mercury from emissions, and may be subject to CO_2 reductions as well. KCP&L alone is spending $280 million to meet emission reduction goals.

Adding a tax to support renewables in other regions of the country is an excessive burden on this critical industry that needs to be focusing capital resources on improving the transmission grid to increase reliability. This transmission investment is needed to improve the existing grid, not to extend the grid to remote locations where wind turbines must be placed, far from where the electricity is used.

States that have renewable resources in sufficient quantity have already moved ahead and adopted renewable portfolio standards tailored to the resources of the State. Not surprisingly, adoption of this amendment would conflict with the RPS programs adopted by 20 States that have different eligible renewable resources and implement timetables.

Even some of these States with their own RPS will not be able to meet this mandatory proposal. Of the 20 States with portfolio requirements, only 13 of them have set a standard high enough to meet the proposed 10-percent Federal standard by 2020. Some of 13 that meet the 10-percent threshold may still fail simply because their definition of renewable energy doesn't meet what would be the national standard definition. They, like other States coming up short will be subject to what amounts to a Federally-mandated energy tax.

I believe that, if we want to encourage renewable energy, and we do, a better way of doing it, particularly for wind, is through stable tax credits. Stable tax credits are the better solution to encourage renewables. A greater need for wind developers than the RPS is the certainty of a production tax credit that doesn't annually disappear and reappear. Extending this credit from an annual credit to 5 or 10 years would make wind competitive in areas of the country where it is viable and wanted. An RPS does not make wind competitive in the marketplace; it just raises the cost of electricity to consumers, who are already paying too much for energy. This is not good energy policy.

I urge the Senate to reject this amendment.

Mr. BROWNBACK. Mr. President, many people think only of wind turbines when renewable sources of energy are discussed. However, I see great potential for Kansas and our nation in the production of renewable energy from biomass sources. We have the technology to produce electricity from grass, hay, wood, livestock manure and many other bio-based sources that the State of Kansas has in abundance. This would not only provide a new market for many of our farmers to access, but would lead to a better environment for all of us by finding beneficial uses for many of these waste products.

I believe the Flint Hills to be the most environmentally significant treasure the state of Kansas has to offer. It's paramount that we protect this native land from unsightly development that will ruin this treasure for future generations of Kansans. Therefore, with my vote for a nation renewable portfolio standard, I urge the State to protect Flint Hills from wind turbine development and focus on producing renewable electricity from biomass sources. It is good for our farmers, it is good for the environment and it is good for Kansans.

Mr. McCAIN. Mr. President, I agree that clean, renewable energy technologies are an important part of a program to achieve our national energy and environmental goals. However, I do not believe that a Federal renewable portfolio standard achieves this objective.

Twenty-three States have already adopted renewable technology standards and have committed resources to find cleaner and more efficient technologies to meet their energy needs. For example, Arizona is in the process of increasing its renewable target to 15 percent by 2020, exceeding the proposed Federal standard in the amendment. I expect that Arizona will implement its program in a manner that makes the most of the State's solar potential in the long-term.

I do not believe that the proposed Federal standard would help Arizona or any other State fully achieve their clean energy and efficiency goals. I also understand that the penalty for noncompliance with the proposed Federal standard is significantly lower than the incremental cost of bringing renewables on line. While I do not believe the intent of this amendment is to impose an energy tax on consumers, I think that could be the economic reality in many circumstances.

My colleague from Tennessee has argued persuasively that this Federal RPS is primarily a wind-power bill. I was interested to read in a fact sheet from the Union of Concerned Scientists that, to achieve this 10-percent Federal RPS, we would need to build almost 55,000 new wind turbines. That is an enormous number. I suspect that the potential adverse environmental effect such a massive construction project have not been studied. In fact, it has already been suggested that in the rush to take advantage of the current tax credit for wind generation analyses of potential long-term consequences have been neglected.

I am not opposed to wind-power, but I have heard from utilities in my own State that a Federal mandate of this sort is largely a requirement to import wind, since Arizona has very limited wind resources. We are already providing substantial subsidies for wind-power and the energy tax title will provide more. I question why we need to subsidize wind to the practical exclusion of other renewables.

The need for energy sustainability and cost-effectiveness does influence my opposition to this amendment. What we need to do, what we must do, is enact a mandatory cap and trade program for greenhouse gas reduction and let the market drive the technology. A Federal RPS would stand in sharp contrast to the market-based solutions in the Climate Stewardship and Innovation Act, which Senator LIEBERMAN and I introduced last month. That legislation would promote clean and efficient energy technologies

without relying solely on taxpayer subsidies or choosing particular technologies over others. That is the vision I have for our energy future—a clean, efficient and innovative mix of technologies that benefit all Americans.

Mr. OBAMA. Mr. President, I support the amendment offered by the Senator from New Mexico, Mr. BINGAMAN. This amendment is a breath of fresh air in a bill that is filled with many stale concepts regarding our approach to this Nation's energy policy. I am proud to be a cosponsor of this amendment.

Producing a significant amount of our electricity from renewable sources is not a concept for the future. It is a real possibility that exists today using solar, wind, tidal, gas from landfills, and biomass. In fact, 19 States around the country are using these renewable source of energy to steer their States towards a future of clean, sustainable energy use.

In my State of Illinois and in many other States, enacting this standard is a no-brainer. This winter, Illinois Governor Blagojevich announced a plan to adopt a renewable portfolio standard requiring Illinois electric utilities to provide 8 percent renewable energy as part of their overall power mix by 2012. This bold vision will make Illinois the second biggest wind power State in the country by 2012. The city of Chicago also has a strong commitment to using renewable sources of energy and is already planning to surpass a 10 percent contribution from renewables in its electricity stream and achieve a 20 percent goal.

In the 18 other States where renewable portfolio standards have been successfully adopted, innovations in electricity generation have flourished at virtually no cost to the consumer. Just imagine what would happen to this industry of the future if we enacted a Federal standard. And, here is the best news: According to the Union of Concerned Scientists, a 10 percent renewable portfolio standard on the Federal level would not add a single penny to consumers' bills.

Introducing renewable electricity into the mix of electricity generation also brings us a measure of physical security. By creating geographically dispersed sources of energy generation, we are providing ourselves with greater electricity security by providing smaller targets and reducing the transport of combustible materials. This is smart policy at a time when we must be vigilant about homeland security.

Our country's demand for electricity is expected to continue growing for decades to come. Enacting a renewable portfolio standard ensures that clean technologies will help us meet that enlarged demand, while not offsetting the importance of investing in clean technologies in other energy production methods, especially coal. Coal will undoubtedly play a large role in our energy portfolio for years to come, and I look forward to a vigorous debate on how we can best assist the utility industry in employing clean coal technologies.

Abraham Lincoln once said: ''I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crises. The great point is to bring them the real facts.'' The real facts are that without forward-thinking amendments such as this one, the energy bill is not going to bring us independence from the 20th century mindset of energy production. Let us give the American public this tool so they too can rise to meet this national energy crisis before it gets worse.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed that the Senator from Michigan and the Senator from Washington want to interrupt the remainder of our debate on the Bingaman amendment in order to discuss and do a modification of the Cantwell amendment. I ask unanimous consent that they be yielded whatever time they need to accomplish that and it not count against the Bingaman amendment.

The PRESIDING OFFICER (Mr. BURR). Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 784, AS MODIFIED

Ms. CANTWELL. Mr. President, I ask unanimous consent to set aside the pending amendment and I call up amendment No. 784 and send a modification to the desk.

The PRESIDING OFFICER. The amendment is pending.

The amendment is so modified.

The amendment (No. 784), as modified, is as follows:

Beginning on page 120, strike line 23 and all that follows through page 122, line 14, and insert the following:

SEC. 151. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) FINDINGS.—Congress finds that—

(1) based on the reports of the Energy Information Administration entitled ''Annual Energy Outlook 2005'' and ''May 2005 Monthly Energy Review''—

(A) during the period beginning January 1, 2005, and ending April 30, 2005, the United States imported an estimated average of 13,056,000 barrels of oil per day; and

(B) the United States is projected to import 19,110,000 barrels of oil per day in 2025;

(2) technology solutions already exist to dramatically increase the productivity of the United States energy supply;

(3) energy efficiency and conservation measures can improve the economic competitiveness of the United States and lessen energy costs for families in the United States;

(4) United States dependence on foreign energy imports leaves the United States vulnerable to energy supply shocks and reliant on the willingness of other countries to provide sufficient supplies of oil;

(5) while only 3 percent of proven oil reserves are located in territory controlled by the United States, advances in fossil fuel extraction techniques and technologies could increase United States energy supplies; and

(6) reducing energy consumption also benefits the United States by lowering the environmental impacts associated with fossil fuel use.

(b) GOAL.—It is a goal of the United States to reduce by 40 percent the amount of foreign oil projected to be imported during calendar year 2025 in the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005''.

(c) MEASURES TO REDUCE IMPORT DEPENDENCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every two years thereafter, the President shall—

(A) develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in, end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2015; and

(B)(i) subject to clause (ii), develop and implement measures to reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 7,640,000 barrels per day from the amount projected for calendar year 2025.

(ii) If the President determines that there are insufficient legal authorities to achieve the target for calendar year 2025 in clause (i), the President shall develop and implement measures that will reduce dependence on foreign petroleum imports of the United States by reducing petroleum in end-uses throughout the economy of the United States to the maximum extent practicable and shall submit to Congress proposed legislation or other recommendations to achieve the target.

(2) REQUIREMENTS.—In developing measures under paragraph (1), the President shall—

(A) ensure continued reliable and affordable energy for the United States, consistent with the creation of jobs and economic growth and maintaining the international competitiveness of United States businesses, including the manufacturing sector; and

(B) implement measures under paragraph (1) under existing authorities of the appropriate Federal agencies, as determined by the President.

(3) PROJECTIONS.—The projections for total demand for petroleum in the United States under paragraph (1) shall be those contained in the Reference Case in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005''.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2025.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify the status of efforts to meet the goal described in subsection (b);

(B) assess the effectiveness of any measure implemented under subsection (c) during the previous fiscal year in meeting the goal described in subsection (b); and

(C) describe plans to develop additional measures to meet the goal.

(e) SAVINGS CLAUSE.—Nothing in this section precludes the President from requesting additional authorities to achieve the targets in subsection (c).

Ms. CANTWELL. Mr. President, I know the Senator from Michigan has

given a great deal of thought to this issue and to the modified amendment, and I yield the floor to him.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank our friend from Washington for making this modification. This is a very important modification from my perspective. But for this modification, the language of the amendment would propose that the goals that are set forth—which are only goals but nonetheless they are goals—would need to be achieved by implementing measures ''under existing authorities of the Federal agencies.''

That is the language which is in 151(c)(2)(B) of the amendment. That is lines 8 and 9 on page 4 of the amendment.

Now, that is very problematic language and unacceptable language because if we are going to achieve the goals that are set forth, if we have any chance of doing so, it would have to be with significant changes in our authorities—for instance, in the tax incentives which would be so essential in order to achieve a reduction in imports of oil. There is no way I can see or that many others can see that we could achieve the kinds of reductions that are hoped for without significant tax incentives being put into the law—tax incentives that do not now exist.

There are some existing authorities and some existing tax incentives, but they do not come close to what they must be if we are going to reduce the amount of imported oil that we use. So it is important to me that the existing authorities language either be removed or superseded in this amendment so that the President could seek and we could grant, if we so chose, new authority, additional authorities, new tax incentives, for instance, to move to new technologies. That is the effect of the modification to the amendment that was sent to the desk, which reads:

Nothing in this section precludes the President from requesting additional authorities to achieve the targets in subsection (c).

So that change seems to be very essential since there is no practical way that these goals can be met, in my book—either the short-term goals of one million barrels per day or the long-term goals of 7.64 million barrels per day—unless there are changes in our tax structure and the other authorities that we provide in the executive branch. This savings clause now makes it clear that both as to the short-term and the long-term goal for savings, there is not a limit in the amendment to using existing authorities but rather additional authorities can be sought by the President.

I thank the Senator from Washington for making that change. In the colloquy between myself and the Senator from Washington, it makes clear that the amendment does not assume or require changes in technologies or CAFE standards or anything else. It is technology neutral. According to this colloquy, the amendment does not assume or propose an increase in CAFE standards. All of the other potential changes, technologically, that could help get us to where we want to go, including diesel technologies that are so important, hybrid technologies, hydrogen technologies—it does not put those specific technologies in place, either requiring them or, of course, not precluding them because this is technology neutral. That becomes critically important because, again, without those technologies there is no way we can achieve these goals. But there is no effort in this amendment to identify the specific technologies or the mechanisms by which these goals would be achieved. Particularly important, obviously, is the language that states that the amendment does not assume or propose an increase in CAFE standards, and another part of the colloquy makes it clear that the amendment neither assumes nor proposes regulatory changes to the CAFE system and that is not part of this amendment.

So the colloquy will speak for itself. It is a lot longer than I have just summarized, but it is a very significant colloquy to me in terms of what the amendment does and what it does not do.

I thank the Senator from Washington for working out this colloquy with me.

MODIFICATION OF CANTWELL AMENDMENT 784

Mr. LEVIN. The amendment sets a goal for a savings of 7.6 million barrels of oil by 2025. Are there assumptions made by the amendment?

Ms. CANTWELL. This amendment is technology-neutral. It simply lays out a vision that the United States should attempt to achieve over the course of the next 20 years. The only assumption underlying this amendment is that the United States has the ingenuity and innovative spirit to reverse the rising trend of American dependence on foreign oil imports. Today, foreign oil constitutes approximately 58 percent of our domestic supply, a figure that is projected to reach 68 percent by 2025. Because of the nature of world oil markets and the geologic fact that two-thirds of global reserves are located in the Middle East, the United States is on track to become increasingly dependent on OPEC to fuel our economy; and will be competing with developing nations such as China for access to these oil supplies. Because of the economic and national security implications of foreign oil dependence, this amendment simply states that it is in the national interest of the United States to attempt to curb our appetite for imported oil. The underlying bill provides a number of tools to help this country achieve the goal established by my amendment, and there are many potential pathways to its attainment. However, none of them are specifically assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in CAFE standards?

Ms. CANTWELL. This amendment neither assumes nor proposes an increase in CAFE standards. In fact, some have erroneously concluded that increasing CAFE standards is the only means of achieving the goal established by the Cantwell amendment. Multiple analyses by national security-related organizations and others have concluded that increasing CAFE standards is not necessary to attain savings of 7.6 million barrels of oil a day by 2025. In addition, it is important to note that some have circulated erroneous estimates of CAFE standard increases necessary to achieve the goal in the Cantwell amendment, attributed to the Energy Information Administration, EIA. The staff of the EIA has said that these flawed estimates have no grounds in analyses performed by the EIA.

Mr. LEVIN. Does the amendment assume an increase in ethanol production and use?

Ms. CANTWELL. Because the amendment is technology-neutral and simply lays out a vision, accelerated ethanol production and use is not specifically assumed. However, there is no question that biofuels can play an important role in achieving the goal established by the Cantwell amendment, by displacing imported petroleum-based products with domestic fuel derived from plant matter. In fact, it has been estimated that increased domestic biofuels production can contribute more than half of the oil savings goal established by the Cantwell amendment. It is also worth noting that the underlying bill contains important provisions that will help accelerate the production of ethanol and other alternative fuels, including provisions I authored that would provide incentives, research, development and demonstration of processes to produce ethanol from cellulosic sources. While not specifically prescribed by the Cantwell energy security amendment, these measures would assist substantially in achieving the amendment's goal.

Mr. LEVIN. Does the amendment assume an increase in use of biodiesel fuels and technology?

Ms. CANTWELL. Again, increased use of biodiesel fuels and technology is not specifically assumed by the Cantwell amendment. However, these fuels can also help achieve the amendment's goal. It is worth noting that one of the barriers to achieving cost-effective biodiesel production is increasing the diversity of feedstocks from which biodiesel can be economically produced. The key to unlocking the potential of biodiesel is performing the research, development and demonstration of new technologies that will allow the co-production of biodiesel fuel and value-added bioproducts that lower overall costs. I was proud to add specific provisions to this underlying legislation that authorize an Advanced Biofuels Technology program, designed to accelerate the development of these processes. Again, while one of the potential

tools the U.S. can use to achieve the goal, additional biodiesel production is not explicitly assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in the use of diesel engine technology?

Ms. CANTWELL. While advances in diesel engine technology are another potential tool for accelerating oil savings, they are not specifically assumed nor mandated by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume a major increase in the use of hybrid electric vehicle technology?

Ms. CANTWELL. Because the amendment lays out a vision rather than mandating specific measures, increased hybrid use is not specifically assumed. However, some have estimated that growth in the hybrid vehicle market can achieve oil savings of up to 2 million barrels a day by 2015, 10 years before the Cantwell amendment's ultimate goal. Taken together, biofuels production and growth in the market for hybrid vehicles could provide more than two-thirds of the energy security goal established by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume a major shift to use of renewable hydrogen and fuel cell vehicles?

Ms. CANTWELL. There is no question that hydrogen provides another potential pathway to achieving substantial oil savings in the United States. However, because the technology remains at a relatively early stage in its development, no specific estimates exist for the economic and energy efficiencies this technology may provide. It is not specifically assumed by the Cantwell amendment.

Mr. LEVIN. Does the amendment assume an increase in tax incentives to encourage use of advance technologies?

Ms. CANTWELL. Certainly, tax incentives can help spur the development of markets for advanced technologies, and help expand the choices available to American consumers. But these are not specified or assumed within the Cantwell amendment.

Mr. LEVIN. Does the amendment assume regulatory changes in how the CAFE system works?

Ms. CANTWELL. The amendment neither assumes nor proposes regulatory changes to the CAFE system. I view the debate regarding the efficacy of the existing CAFE program as beyond the scope of this amendment, which lays out a national vision for reducing American dependence on foreign oil imports. Certainly any changes to the CAFE system's regulatory regime would require additional legislative action, action that is not assumed in the Cantwell amendment.

Mr. LEVIN. Does the amendment assume regulatory changes that would allow for greater use of diesel technology?

Ms. CANTWELL. Certainly other nations have begun the transition to more wide-spread use of diesel technology, and initiatives or programs in this regard may ultimately be consistent with the Cantwell amendment. But they are neither specifically assumed nor required.

Mr. LEVIN. Does the amendment assume the Congress will provide other new authorities to the President?

Ms. CANTWELL. The Cantwell amendment establishes a national goal. As such, it directs the President to design and implement measures designed to help achieve the goal, and assumes that, if the President deems his existing authorities insufficient, he will propose to Congress legislation or recommendations that would help achieve the amendment's energy security target. At that time, it would be up to Congress to consider the merits of the President's proposals, via the typical legislative process.

Mr. LEVIN. Does the amendment assume that there are adequate ''existing authorities of appropriate Federal agencies'' to meet the goal of saving 7.64 million barrels of oil per day by 2025?

Ms. CANTWELL. The amendment assumes that the President has at his disposal adequate authority to develop and implement measures that will help achieve the goal of reducing imports on foreign oil. However, the amendment is technology-neutral and establishes a 20-year vision. As such, it is difficult to predict with any specificity what direction new technologies may take, and whether issues may arise that require additional legislation or Congressional action. For example, if biofuels begin to displace a significantly larger portion of petroleum-based fuels in the United States, certain infrastructure-related barriers may arise that require additional authority or Congressional action. Similarly, there are certain to be issues associated with infrastructure, interoperability and international technology standards associated with the development of hydrogen fuel cells. Because the Cantwell amendment is a call to accelerate the development of alternatives to petroleum-based fuel, yet does not purport to choose technology winners and losers, it is premature to speculate on whether additional authorities or Congressional action may be required. However, it does assume that proposals to expand the range of tools available to the President to achieve the Cantwell amendment's goal would be considered through the normal channels of Congressional debate and approval.

Mr. LEVIN. Does this amendment set a goal of reducing imported oil or reducing overall use of fossil fuel?

Ms. CANTWELL. The goal of this amendment is to reduce our foreign oil imports and exposure to the uncertainties of world oil markets. Because of the geologic realities of the way in which oil reserves are distributed across the globe, continued increased demand for oil will result in a growing dependence on imports. While the U.S. is situated on just 3 percent of the world's reserves, the Middle East is home to two-thirds, with a full quarter located in just one country, Saudi Arabia. In order to curb our growing reliance on imports, it is thus necessary to reduce demand for petroleum itself, across all sectors of the economy.

Mr. LEVIN. To achieve the one million barrels of oil a day in savings required by 2015, must the President use existing authorities, or can the President seek additional authority?

Ms. CANTWELL. There is nothing in this amendment that precludes the President from requesting additional legal authority to achieve the target for 2015. Certainly, any legislative proposal or recommendations from the President would be considered by Congress, through the typical legislative process. Rather, the provision in (c)(2)(B) is intended to make clear that this amendment, on its face, does not grant the President any broad, new additional authorities not previously contemplated.

Mr. LEVIN. If the President can seek additional authority to meet the requirement to save 1 million barrels of oil a day, would the Senator be willing to modify the amendment to make that clear?

Ms. CANTWELL. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask how much time remains on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico has just under 23 minutes. The majority side has 10 minutes 40 seconds.

AMENDMENT NO. 791

Mr. BINGAMAN. Mr. President, I will take part of the time remaining for me to respond to a few of the points made by my good friend from Tennessee and clarify the effect of this amendment as best we understand it. Contrary to what a person might believe by listening to a lot of the debate today, this is not an amendment just about windmills. This is an amendment about trying to stimulate the development of a range of technologies, solar technologies, biomass technologies, wind technologies, clearly, and get the cost of producing electricity from those different technologies down to a more reasonable level. That is the purpose of the legislation.

My good friend from Tennessee says that in his opinion, based on his understanding of the position the Energy Information Agency has taken, this would result in an increase in electricity rates, or electric rates. He reads their analysis and their recent report in a totally different way than I do. It is very clear this does not cause an increase in electricity rates. It causes a decrease. It is clear it does not cause an increase in gas prices. It causes a decrease. It is clear it does not cost the electric power sector more. It costs the electric power sector less than it otherwise would be spending.

Let me talk about this $18 billion he continues to refer to. It does say in

their report that from 2005 to 2025, the renewable portfolio standard has a cumulative total cost to the electric power sector of about $18 billion. Now, that is true. Then it goes down a couple of sentences further on. It says, the cumulative expenditures for natural gas and electricity by all end user sectors taken together will decrease by $22.6 billion. So what it is basically saying is if this amendment is adopted, which I hope very much it will be, there will, in fact, have to be more investment by the utility sector, by the electric power generation companies, in these alternative fuel generation technologies, these alternative energy sources. But it will be more than offset by what they save in fossil fuels and what they save in investment in those other areas.

As far as rates are concerned, it is very clear in this language, and I will read this again. It says: ''Compared to the reference case.'' That means with the amendment. It says: ''The cumulative residential expenditures on electricity from 2005 to 2025 are $2.7 billion lower''—that is with the amendment—''while the cumulative residential expenditures on natural gas are $2.9 billion lower with the amendment.''

Residential expenditures it is talking about. These are the ratepayers that we all represent in our individual States. They are saying that, if this amendment is adopted, it is going to be cheaper for them to pay their gas bills, cheaper for them to pay their electricity bills in the future because, frankly, this will take some of the pressure off the price of natural gas. That is very much to be desired.

Let me read further from their report. They say: ''The increase in renewable generation''—which is contemplated by this amendment—''will lead to lower coal and natural gas generation. By 2025, coal generation is reduced by almost 9 percent, natural gas generation reduced by over 5 percent from their respective reference case levels.'' That is from the level that it would be if we didn't adopt this amendment.

So in my view, this is a very substantial improvement. This legislation, this amendment will be a substantial improvement to the underlying bill which I think is a very good bill. I do not disagree with anything the Senator from Tennessee said about the advisability and desirability of seeing more nuclear power generated in our country, the advisability and desirability of seeing cleaner technologies used in coal production. All of that is in the underlying bill. What this amendment says is let's give an extra impetus to renewable power so that we can get all of the benefit from renewable power that it is reasonable for us to achieve over the next couple of decades.

That is exactly the purpose of the amendment. I think that is what the effect of the amendment will be. We have had the good fortune of passing this amendment before in the Senate. I hope very much we can pass it again this time. It will strengthen the bill, it will persuade the American people that we are trying to move this country in a different direction, as far as its energy future is concerned.

We are not satisfied with just saying that current technologies are adequate. We are not satisfied with saying the current mix of energy sources is adequate. We are trying to get back to more use of American ingenuity and creativeness to produce energy that we do not have to import from somewhere else in the world.

I hope my colleagues will support this amendment. We will have a chance to summarize very briefly the reasons for the amendment. I will have a chance, and my colleague from Tennessee will have a chance, to argue the other side of that argument before we have the vote. As I understand our agreement now, the Senator from Washington is going to have an opportunity to once again argue the merits of her amendment. That vote will occur, I believe, at 2:15. Then, after that, we will have the vote on this RPS.

With that, I yield the remainder of my time to the Senator from Washington.

AMENDMENT NO. 784

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from New Mexico for his fine amendment. I would like to take a minute to state that I am a cosponsor of the Bingaman amendment and very much believe in the renewable portfolio standard for our electricity grid. I guess if you looked at the Northwest, particularly Washington State, you would say we are already using 80 percent renewable energy because 80 percent of our electricity grid is provided by our hydro system. So we, in the Northwest, are very big believers in renewable power.

But we also believe in the other technology that is in the underlying amendment and in the underlying bill that will help us support renewable technologies. We have a lot of wind farms. We have had a lot of discussion out here on the floor this morning about wind energy. We, in Washington State, are already employing wind energy in a variety of locations in our State and getting great response. In some areas, it is some of the best job growth we have had in rural communities. Farmers love it because, aside from providing an agricultural product, they get a second source of revenue from their land by having agriculture and wind technology on their farms. It works very well for our farmers, and the combination of hydro and wind technology works very well for Washington state and the Northwest.

But we also have solar power. We are about to have one of the first demonstrations of wave power. We, in the Northwest, are using all sorts of renewable technology to meet these goals. Certainly, I want to endorse this particular amendment as a great step forward, saying we can do more with renewable technology.

I would like to turn to the Cantwell amendment, on which we are going to have a vote I believe at 2:15, and summarize, for my colleagues who might have missed yesterday's discussion, a few points I think are important as we talk about our reliance on imported oil and the fact we want to diversify.

In the New York Times, there was an article about OPEC and their increases in quotas for various OPEC countries. It is interesting, and every day Americans want to know what is going to happen with oil futures and gas prices. You look to find out what OPEC is doing. This article, I think, brings up the very point we were trying to make yesterday; that is, that China's demand for oil continues to grow. In fact, this article says that global oil consumption climbed 2.4 or 2.5 million barrels a day in 2004, the fastest growth rate since 1978. That is world demand for energy increasing. Basically, that was a result of China's increasing energy consumption. We know what the trends are, and we know what the challenges are that are facing us.

I found it interesting, too, that the New York Times article talked about how OPEC was actually concerned that alternative fuels might affect their future price of product. They are almost telling us, yes, they are a little concerned about competition from alternative fuels.

I welcome that. I think it is about time that America make an investment in alternative fuels and about time we give consumers a choice when it comes to the demand and supply of oil in the future and not continue to be held hostage by foreign governments.

I would like to review for my colleagues what exactly the Cantwell amendment does because it is so important that we understand what the underlying bill does and what our challenges are as a country going forward.

In 1973, we were importing only 28 percent of our demand—our U.S. demand—for oil. We were importing 28 percent of what we used as a country.

Today, 2004, we are at 58 percent, a huge jump, a huge dependency by the United States on a foreign source to provide us an oil supply.

When I look at the countries involved and I look at the instability in the Middle East, I don't want to be 58 percent reliant on foreign sources of oil. I want American ingenuity to be a driver in what we can provide to the American people in driving down the cost of energy.

If we do nothing, in 2025, the United States will be importing 68 percent; nearly 70 percent of our oil supply will come from abroad. Who in their right mind thinks that 70-percent dependence on foreign oil is wise economically, to our national security, or internationally as we have to deal with international competition? Why would

we want to be almost 70-percent reliant on foreign entities for something that is the backbone of our economy—energy?

I am offering a simple amendment. My amendment simply says by 2025, instead of being reliant on foreign sources for 68 percent of our supply, we bring that down to 56 percent. That is not much of a change. We are at 58 percent today, and we want to go down to 56 percent. That is a modest goal.

It is hard to achieve because our amendment assumes the growth and demand that will happen as our Nation grows. That is why we have to assume in 2025 we will be at 68 percent, and we want to see a serious reduction. That is the way my amendment is crafted.

The underlying bill says we are currently at 58 percent and let's reduce our consumption of foreign oil by 1 million barrels a day. One million barrels a day by 2015 still has us importing 60 percent of our supply from foreign sources. In 2015, instead of consuming 58 percent of our oil supply from foreign sources, we would be at 60 percent. The underlying goal in the bill does nothing to get us off our overreliance on foreign oil. It is the status quo and a bump in an increase. It is too timid in responding to what has been a gouging of the American consumer on gas prices.

This debate we have just had for the last couple of hours is interesting because a lot of my colleagues have said they refuse to support a mandate. They do not want to have a mandate in this bill. I am not proposing a mandate. It is interesting: Some Members do not support mandates. They do not even support goals. The American people deserve, on something as important as our national security and economic livelihood, to have this Senate, in transportation and energy policy, set a goal to get off our overdependence on foreign oil. Are my colleagues just giving lip service to this idea of a goal of getting off overdependence on foreign oil? Or are we willing to set a goal and do something about it?

I have pointed out that the goals we have are doable. My amendment does not say specifically how or what the mandate is. We have simply said, that from various studies, we know we can get the savings my amendment calls for in a goal. Here are a variety of sources: Fuel efficiency for tires and motor oil. The encouragement of a biofuels industry. A big chunk of this comes from alternative fuels. That is why OPEC, in today's paper, says they are very concerned about this because they know it is competition. They realize it is competition. Why don't we realize it is competition and ensure we get about making an alternative product?

Other countries certainly have this idea. One is Brazil and based on their overdependence on foreign oil they came to the same conclusions. They did not want to be in the same boat we are in today. In 1975, they were importing 80 percent of their fuel supply from foreign sources. They made a decision that was too much for them, both economically—I don't know if there are security issues—but economically they thought that was not wise so they started a process of taking steps. In 1990, they almost cut that in half. By 2003, they were down to importing only 11 percent of their fuel supply. Next year, they might achieve the great milestone of not only becoming self-sufficient but actually becoming an exporter of fuel to other countries.

They have done this because they made an investment in ethanol. They made decisions about their transportation sector so they could run on biofuel products. They have changed the economic picture of their country.

Is there something Brazil possesses that the United States cannot achieve? Are they smarter than we are? Do they have greater political will than we do? Do they have more consumers holding their politicians accountable than we do? What Brazil showed is they have a resolve because of their own national interests to get off the foreign addiction to oil. I applaud them for that.

They are only one-eighth the size of our economy, but they are proven to be smart enough to figure out how to make sugar-based ethanol in a cost-productive way, so efficient they can send it to the United States cheaper than we can produce it to the degree that some of my colleagues want to put a tax on it so that it is on a more level playing field with what sugar-based ethanol in the United States costs. To me, the Brazilians have come up with something.

I ask my colleagues, if you do not want mandates and you do not want goals and you do not want to get off our overdependence on foreign oil by setting a milestone or coming up with a goal or statement, what is it that you do want to do? The underlying bill increases our dependence by 2015 on foreign oil to 60 percent. We are at 58 percent today. It increases it to 60 percent. So we have accomplished nothing in the goal in the underlying bill.

I would like to set, primarily for international reasons, a goal to get off our dependence on foreign oil because these are our suppliers. These are the countries where the majority of U.S. oil supply comes from: Saudi Arabia sits on the largest percentage of oil reserves in the world today. I wish geography and geology had been kinder to the United States and that we sat on more than 3 percent of oil reserves. But we don't. We do not have that product. We have a very small percentage of the world reserve for oil. That is a fact of life. These are the countries and this is the State ownership of companies that are part of OPEC and have the oil supply of the future.

I didn't expect I would be in the Senate agreeing with George Shultz and James Woolsey and a bunch of neoconservatives who were espousing ideas about our national security, but I actually do agree with them that reducing our dependence on foreign oil should be a national priority and a national goal. That is why we have crafted this amendment this way.

We simply want to say to our colleagues and to the President of the United States that we believe increasing our consumption of foreign products as a way to support our economy is not a wise decision, given what growth and demand and oil prices are going to be. Yesterday, the market closed at $56.20 for oil. Economists at various Wall Street firms are saying we could easily see an oil spike of $100 a barrel. They say that oil futures have a fear premium on them; that is, there has been lots of discussion about how the price of oil futures is basically impacting the price of oil on a day-to-day basis. That is right, the speculative market about energy futures in oil basically causes the price at the pump today to increase. I find that unfortunate because the speculative price of oil futures takes into consideration those nine countries I mentioned, the fact that you could have a terrorist attack, the fact that you could have unrest in a region and that somehow supply would be diminished, thus affecting the price of oil futures.

Economists and people on Wall Street—Goldman Sachs and others—basically say there is a fear premium on the price of oil futures; that is, we are paying more for oil because we are paying for the uncertainty and the instability in the political and geographic region where oil exists. That is what I am supposed to tell Washington State residents as to why they pay some of the highest gas prices in the country? That is why they should pay almost $2.30 a gallon for gasoline? That is why I should tell people they have lost their pensions in the airline industry because the airline industry has not passed on the high fuel costs? That is what I am supposed to tell the farmers who cannot keep their farms running because of high fuel costs, or somebody who has lost their job in a transportation-sensitive industry. I am supposed to tell them that I am going to continue to put an energy goal in legislation that makes us more dependent on foreign oil than we are today?

No. We want to reverse the trend. That is what the Cantwell amendment does. It is not a mandate. It is a goal. It says that instead of being more dependent on foreign oil in 2015, as the underlying bill directs us, let's become less dependent. Let's go from 58 percent, where we are today, down to 56.5 percent. It is a goal we can achieve. It is a goal I am willing to set as a legislator for our country because I believe in the ingenuity of Americans to achieve this goal.

There is nothing the country of Brazil can do that the United States cannot do. I guarantee you that if we set our resolve to do it as a nation, we will achieve this goal as well. The reason why we, as a government entity,

need to set this goal is because the private sector is going to diversify at its own darn pace; that is, the oil companies will decide what their investment in new technology and alternative fuels is at their own pace, their own wishes, their own response to their corporate shareholders, not at the interest of individual consumers who are getting strangled by the high cost of gasoline.

It is our job to set this goal and that is why we are on the Senate floor today. We are here to say we agree with the American farmers that they can produce a biofuel product in the future that can be competitive, that we agree with neoconservatives that the security risk of being 70 percent dependent on foreign oil is too great a security risk for our Nation, that we agree with technology and research experts that American ingenuity can get us to this 56.5-percent goal.

I ask my colleagues, what is wrong with setting this goal? Let's not continue to give lip service to a goal of getting off our foreign dependence and then do nothing about it in a legislative proposal. Let's show the American people we are concerned about the economic hardship they are facing and that we believe in American ingenuity. We believe in our farmers. We believe in our technology leaders. We believe that we, as a country, can achieve this great goal. If the last generation of Americans were smart enough to put a man on the Moon in a decade, this generation of Americans ought to be smart enough to reach this goal. I ask my colleagues to have the courage to set it in a piece of legislation as a mark for us to achieve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I understand—because of certain committee meetings and time considerations—that we have been asked to extend the time in which there will be a vote. So I ask unanimous consent that the time of 2:15 be extended until 2:30 on a vote on the two amendments that are on the floor and that time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I am not objecting, but I am just asking for the yeas and nays on my amendment. I think moving to 2:30 is fine, given the markup.

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

Mr. CRAIG. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I am sure many people have been following closely the debate on the Energy bill, an 800-page bill that is trying to set the energy policy for America. It is an important piece of legislation we have debated for several years. It has so many different sections involved in all the aspects of energy. It has as its goal making certain that America has enough energy to fuel its economy, making certain that we use that energy in a responsible fashion so it does not create pollution that would cause environmental harm. These are some of the basic elements of what we are trying to achieve here.

But the pending amendment we have before us comes to a basic conclusion that I think most Americans agree with. America cannot be a safer and more secure nation in the future if we are more dependent on foreign oil. The more we have to depend on Saudi Arabia and Kuwait and other countries to send their oil to us, the less secure we are. The more independent we are in terms of our own energy needs and production, the stronger we are as a nation.

In 1973, we imported 28 percent of the oil we consumed. Today, 32 years later, we are importing 58 percent, more than double. We are that much more dependent on foreign countries to provide us with oil, which means two obvious things. If the OPEC cartel should decide they want to restrict the oil they will produce, prices will go up in the United States. Reduce the supply, and if demand stays the same, the price goes up. It is a basic law of economics. And they have done it. You have seen it at the gas pump.

When the OPEC cartel sits down and tries to figure out ''How can we make the maximum profit?'' they do not shed tears for American families and consumers and businesses. They try to figure out how they can make the maximum profit on the oil they have in the ground. They have the vast majority of the oil resources in the world today.

The second thing we know is that if you want to strike a crushing blow at the American economy, you may consider attacking the United States, but it may be a lot simpler to attack our oil supplies coming into the United States. If, God forbid, they could interrupt those oil supplies coming into the United States, it would really create a dangerous situation.

So the more dependent we are on that foreign oil, the less secure we are when it comes to the price of energy and the availability of energy. You would think that one of the things we would try to do as part of a national energy policy is to think ahead 10 years, 20 years, ''How can we reduce our dependence on foreign oil?'' since most people agree that would be a good thing.

Well, there is one provision in the bill which suggests that over the next 10 years we would reduce our demand for foreign oil by 1 million barrels a day.

That is about 6 or 7 percent of the total amount that is being consumed each day in the United States, but it is a step forward over the next 10 years. It is something the Senate agreed on 99 to 1. So over 10 years we will think of strategies which will reduce our dependence on foreign oil at least a million barrels a day. That is in the bill. It is a good provision.

Two days ago, President Bush sent a letter to us and said: You keep that provision in the bill, and I will veto the bill. Stop and think: Why? Why wouldn't the President want us to move as a national goal to reducing our dependence on foreign oil? It makes no sense. It is a tax on our economy. It is a question of national security. But, in fact, that is what the White House said. If you put a provision in here to reduce our dependence on foreign oil by 1 million barrels a day over the next 10 years, I will veto the bill.

I don't understand. In fact, I think the President has it exactly wrong. We should be even more ambitious and more innovative in our view toward this challenge.

Senator CANTWELL has an amendment now pending that will be voted on soon. Her amendment says: Keep to that goal over the next 10 years, but over 20 years, let us reduce our dependence on foreign oil by 40 percent of what we anticipate. So what does it mean? Fifty-eight percent of the oil we use is imported. If we do nothing, in 20 years, it will be 68 percent. More than two-thirds of the oil we use will come from overseas. If we adopt the Cantwell amendment, it will go down to 56 percent of the oil we use in 20 years being imported. It is still a lot. But keep in mind, the economy is going to grow. Energy needs are going to grow. We are going to find ways to work together to reduce dependence on foreign oil.

I would think most families and people who think about our environment and think about our economy would applaud the idea of setting this as a national goal, a challenge to the President, to Congress, and to the American people: Find ways to reduce our dependence on foreign oil. It will make us stronger as a nation. It will make our economy stronger. Instead of sending billions of dollars overseas to the Saudi oil princes, the money comes into the United States for investment in our own economy, building businesses, helping people prosper and create jobs.

Sadly, there is resistance to this amendment, the idea of setting this goal. There are those who say: Don't set any goals. Leave it alone. Don't touch it.

How could you possibly draw that conclusion from the current situation?

Left untouched, we will continue to be dependent on foreign oil and our economy will suffer.

How do you reach a goal of reducing dependence on foreign oil by 40 percent over the next 20 years? There is a variety of ways. There are ways within this bill to do it—some large, some small. Some have to do with the most basic thing, the tires on our automobiles. Replacement tires give more fuel efficiency and reduce the oil consumption and the gasoline consumption. Idling trucks—have you ever gone by a truckstop? They are all over my State of Illinois. There are lines and lines of these tractors with trailers behind them with the engines running constantly, around the clock, idling engines burning up oil just to keep that engine alive and ready to perform when the driver comes out and is ready to go. There is a provision in this bill that talks about smarter ways to do that. Is there a way to use an electric engine to keep that tractor in a position where it can go into service and not be burning all this fuel while the driver is in eating dinner, for example?

These are simple things which, when added up over the course of our economy, lead to dramatic improvements. There are many ways to address this. They come down to three basic things we can do. First is conservation. I just gave you two examples of conservation, the ways to reduce the use of energy and still get as much performance as we want from the vehicles we use and the vehicles we drive. The second is alternative fuels. What can we use instead of the oil that now is being imported, 58 percent of it from overseas? This bill talks about it. It talks about ethanol. What is ethanol? An alcohol fuel is made from things such as corn and cellulose that can, in fact, create more independence in our economy.

Senator CANTWELL tells the story that the nation of Brazil, 10 or 20 years ago, imported 80 percent of its oil and said as a nation: We can't continue to prosper if we are so dependent on imported oil. They set out on a national goal of reducing dependence on foreign oil. They are now down to 11 percent. They have done it. They are choosing alcohol fuels. That is included in this bill, the concept of alcohol fuels. It can be done. So alternative fuels—ethanol, biodiesel—are practical alternatives to importing more oil.

The third, of course, is to find environmentally responsible ways for more exploration. There is a limit to where that will take us. The United States owns about 3 percent of the known oil resources in the world. We consume 25 percent of the oil that is consumed each day. So even if we were able in an environmentally responsible way to take every drop of oil out of the ground, you could see it is not going to sustain our economy. We are going to be dependent on foreign sources.

Despite this challenge and despite the obvious ways to meet it in this bill, there are some who have come to the floor—on the other side of the aisle, particularly—and have argued against setting this goal of lessening our overdependence on foreign oil. One of the arguments they make is: If you do this, you are going to have to have more fuel-efficient cars and trucks, as if that is something that should be avoided in America. Why would we avoid that?

Take a look at Ford Motor Company. They had a huge advertising drive to tell us about their new Ford Escape hybrid. They had so many requests to buy that car, they couldn't make it fast enough. I think Ford produced about 20,000. There were some 50,000 people who wanted to buy it. They liked the idea, a small SUV that has an electric engine as part of it that is going to get better gas mileage. Ford was moving in the right direction. I know about this because my wife and I decided to buy one. We like it. I wish it got better mileage than it does, but we didn't make any great sacrifice in our way of life. We maybe spent a couple extra thousand dollars to buy it. Yet we have a more environmentally responsible, energy-responsible vehicle.

The other side of the aisle argues we shouldn't even suggest to American consumers to change their buying habits. I will bet if Detroit or any other company started producing more and more energy-efficient vehicles, more and more Americans would be interested, not only because it reduces the cost at the gas station, but because it is good for the environment. Why wouldn't you want to do that? Why would you want to knowingly drive something that is more polluting and uses more energy or more gasoline?

The American consumers would, in fact, gravitate toward those automobiles as they did toward the Ford Escape hybrid. They like the idea. It is a good concept. The other side says: You don't want to tell people they can't buy whatever they want to buy. If they want to buy the heaviest, least fuel-efficient SUVs, you can't stand in their way. I suppose that is true, but we will pay a price for it. By buying and driving inefficient vehicles over and over, it not only costs more at the pump and makes our country more dependent, it draws us into the Middle Eastern problems. Witness 150,000 American soldiers now risking their lives today in that part of the world.

Moving toward more efficient vehicles is a good thing economically. It is certainly a good thing from a security viewpoint. It is a good thing in terms of our future as a nation.

I believe we are up to the challenge. Most of the critics of the Cantwell amendment say it just can't be done. Don't challenge America. America can't rise to the challenge. We can't possibly in 20 years figure out a way to do this. Those naysayers have no place in the American tradition. We have risen to the challenge time and again. When President Franklin Roosevelt needed an atomic bomb to end World War II, he created the Manhattan project and got the job done. When John Kennedy came to the Presidency in 1960, he said: We will put a man on the Moon. And in 9 years, it happened. He challenged America, and we rose to the challenge. We can rise to the challenge, and we must. Otherwise, we will continue to be dependent on foreign sources of oil.

When I consider some of the challenges we face, I look at the loss of jobs. It troubles me. In the State of Illinois, 400,000 or 500,000 manufacturing jobs in the last several years have been lost. I don't know if these jobs are ever coming back. I have been to Galesburg and places around our State where good-paying jobs have disappeared. A lot of them have gone to China. China has one of the fastest growing economies in the world.

We just had a little presentation in the other room. The CEO of General Electric Energy was there. He said China is in a position to dominate the world energy scene over the next 10 years, that in 10 years China will have 30 percent of the electric generating capacity in the world. China's economy is no longer a closed, backward, Communist economy. It is an exploding, expanding economy that is taking jobs away from the United States.

There are two things we ought to think about: The Chinese have fuel efficiency standards for their vehicles higher than the United States.

They know they don't have the energy in their own country. They are trying to find the most fuel-efficient vehicles to move their economy forward and they are thinking about the future. Are we? Is the United States thinking about the future and the cost of fuel inefficiency, or the cost of dependence upon foreign oil?

The second point is this. If we are in a position of competing with China for foreign oil, since they have to import it, too, what happens when there is more competition for a limited supply? The price goes up. So $50 a barrel oil today may be $100 a barrel 5 or 10 years from now. Look at what $50 a barrel oil has meant to you and your family and our economy. Filled up lately? Taken a look at what it costs? It has gone up dramatically in a short period of time to fill your car or truck. Talk about the airlines and their future lately? The cost of aviation fuel has gone up so dramatically that a lot of airlines are in bankruptcy, or facing it. That is at $50 a barrel. What happens when we reach $100 a barrel? What will it mean to the future of these same companies?

If we don't take a serious look at our energy future, sadly, we are going to leave ourselves vulnerable to competition from China, with higher costs for the basics to keep moving. Senator CANTWELL's amendment is a challenge, but one we should accept. As this President ends his term in office, another President of his party or another party will come in and see the same national goal: Reduce our dependence on foreign oil. It will call for work and

dedication. We have risen to that challenge time and time again. There is no reason we cannot rise to it today.

I impress upon my colleagues the absolute necessity to reduce America's dependence on foreign oil. This is not an issue of whether we can, this is something we must do. It is imperative we impress upon America that setting a national goal of reducing our dependence upon foreign oil is a national priority and in the best interests of the American people. I believe when we send a signal we are serious about changing the future and the track we are on, people will join us in that effort. The best and brightest minds in our country will rise to the challenge.

When we go back to our States and constituents and they ask what we have done in Washington to address the growing threat to our oil supply posed by the emerging markets in China and India, and the high gasoline prices, we can take pride in the fact that the Cantwell amendment says we are charting a new course for our Nation's future. Opponents have argued we cannot do it, we don't have the smarts or the technology; they wring their hands and curse the darkness and say, ''This is the way it is always going to be. We will be just more dependent upon foreign oil, so be prepared for it.''

I disagree. There is technology available today, let alone advancements that may come over the next 20 years, that can move us forward on this goal. We, as leaders in this country, must signal that we won't let the future of America fall into the hands of foreign governments that own the oil supply of this world. Many of these governments are politically unstable and they don't promote the same values we do in the United States. The uncertainty of that alliance for our future oil should be enough to give us pause.

Security experts, economists, foreign policy experts, and scientists recognize that the terrorist organizations want to target the United States, that they can target the supply of our energy and threaten our economy. This is an amendment about national security, economic security, and the belief that America, with the right leadership and vision, will rise to the challenge, as we have so often done in the past.

We can use American ingenuity, innovation, and genius to reduce the growing stranglehold the foreign governments that are supplying oil to the United States have on America's future. I encourage colleagues on both sides to embrace this challenge. Don't run from it, don't be afraid of it. It is about the future of our country.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I am glad I stayed on the floor because I was a little dismayed when I heard Senator CANTWELL describe her amendment. Senator DURBIN helped to clear it up for me in the fact that if we cut trucks off at the truckstop and if all the American people take the tires that are on their car now and we change those to new tires, we can eliminate a million barrels of oil. It is incredibly easy. It is unrealistic, but if you hear it portrayed, it is portrayed as something that is easy to accomplish.

I rise in opposition to the Senator's amendment because I believe one of the responsibilities we have as Members of the Senate is to, in fact, pass legislation that is reasonable for the American people, legislation that is technologically possible to achieve—even if we stretch technology and we push technology, and even if we were to create a ''Manhattan Energy project.'' The reality is that some of the same individuals who stand in this chamber and claim this is easily achievable are the same ones who for the last decade have blocked domestic exploration, which is crucial to less reliance on foreign oil.

I believe every American agrees with me that we want to become less reliant on imported oil, but it is not just for national security, it is for job security. When we talk about policies on this floor that affect the cost of manufacturers in a global marketplace, we are talking about the jobs our constituents have, about the manufacturers who used to compete domestically within North Carolina or within the Southeast, or within this country, and now compete with people they will never meet. Of this year's group of graduates from college, 20 percent of them will compete for a job with somebody they will never meet and who will never live in this country because technology allows us to do it. It will be incredible when technology gets to that point, that it won't take government pushing it and saying implement it; it will implement itself because it brings efficiencies and savings to the marketplace naturally.

I think, as the occupant of the chair does, as we have gone through the creation of this energy bill, we have pushed technology and we have brought those minds into the committee in a bipartisan way and said: ''Tell us where this can go over the next decade.'' We have truly tried in this legislation to create a blueprint for the American people and for the American economy, one that makes predictable what energy costs will be and how it will affect our competitiveness in this country and internationally. At the end of the day, if we do anything that forces American business to be at a competitive disadvantage, we have done a disservice to the American worker, who is the recipient of that business.

We need to vote against the Cantwell amendment. We need to tell the American people we have an energy policy. And if we believe that policy will lead us down the road to new technologies this year, next year, 10 years from now, it may be that 20 years from now we are all driving hybrid cars. I happen to believe that technology will make the hybrid car, 20 years from now, probably obsolete; there will be a new technology out there. But I am confident of one thing: You cannot push the mileage standards of automobiles further than where technology will allow; that for every place you surge and you try to reach a little too far, you cause, in fact, an unintended consequence on the other side.

We will also have an opportunity to vote on Senator BINGAMAN's amendment on a renewable portfolio standard, one I know the Senator from New Mexico is passionate about.

I want to correct something that Senator CANTWELL said. She said—and she is from Washington—that hydroelectric power makes up a majority of their electricity generation today, and she is right. The unfortunate thing is, hydroelectric power is not considered a renewable source of electricity unless it is new hydro.

It is incredible, the history we have in this country of hydroelectric generation, but we do not consider that to be a ''renewable source of electricity.'' The only way hydro would qualify under a renewable portfolio standard is if it is new hydroelectric generation.

For those of us in the Southeast of the United States who for years have used electricity generated by hydro plants to compliment our coal-fired generation facilities or our nuclear facilities or our gas-fired facilities, we have understood for some time what made up a portfolio, and we assumed part of it was made up of what we considered to be renewable-hydroelectric power.

At 50 years old and now in my 11th year in Congress, I am reminded that hydroelectric power is not renewable, that water is not a renewable substance.

It is crazy it is not included. If we did include hydroelectric generation, North Carolina would in all likelihood hit the 10 percent mandate required in this amendment. I believe the Presiding Officer would hit the 10 percent possibly in Tennessee today. But the reality is we are being asked to accept a renewable portfolio standard that does not even include the generation of electricity with hydro. It does not require that rural electric cooperatives that generate electricity participate in the renewable portfolio standard. Electric co-ops account for a sizeable amount of the electricity generated in this country on an annual basis, but they are not included. We just want to place it on the backs of the ratepayers of investor-owned utilities.

I happen to come from a State that is rich with investor-owned utilities, but it is rich in electric co-ops and municipal power, probably richer than any State in the country. I defend them, but I do not believe if we put a burden like this on the ratepayers of the investor-owned utilities that we should leave anybody out and say they should be unaffected.

The fact is, what they have tried to do is put the cost of the renewable portfolio standard on the backs of one slice of electric generation, and that is the ratepayers of investor-owned utilities. They know if it extended to electric co-ops, there would be no way for this amendment to pass. There would be opposition on both sides of the aisle, on every level of our desks to this amendment.

The fact is, today we are here because we need to defeat the Bingaman amendment for a renewable portfolio standard, but we also need to defeat the Cantwell amendment. She said it is not a mandate but a goal, a goal that we cannot achieve today based upon available technology and one we ought not put into this bill, in fact, because it is unachievable.

I thank the Presiding Officer, and I yield the floor.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by the Senator from Washington, Ms. CANTWELL. I am proud to be submitting this amendment.

Forty-four years ago, John F. Kennedy challenged America to put a man on the moon by the end of the 1960s. A bipartisan coalition in Congress joined with Presidents Kennedy, Johnson, and Nixon to make this goal a reality.

Today, we are considering a similarly bold challenge to the Nation—to reduce America's dependence on foreign oil by 40 percent by the year 2025. This challenge is no less important, no less laudable, and no less worthy of bipartisan support, Presidential leadership, and national commitment.

The bill before us purports to offer a comprehensive energy solution for the future. But, as currently drafted, the bill does nothing more than lead us down the same dangerous and unsustainable path that we have been traveling for the last several decades. Unless we draw the line now, outlining a bold change in course, with time enough to prepare, we will see the United States in 2025 even more tethered to foreign oil, and even more subject to economic shocks, than the United States of 2005. Unless we reverse course, we will continue putting our economic well-being and national security at the mercy of unstable foreign governments.

Some will argue that the goals in this amendment are unrealistic and unattainable. I do not agree with these naysayers. When President Kennedy announced his challenge in 1961, he said the following: ''This decision demands a major national commitment of scientific and technical manpower, materiel and facilities, and the possibility of their diversion from other important activities where they are already thinly spread. It means a degree of dedication, organization and discipline which have not always characterized our research and development efforts.''

Likewise, meeting the requirements of the Senator's amendment will require a similar commitment. But I believe the task before us is much simpler than the one that faced President Kennedy, because we already know how to decrease our reliance on foreign oil. A smart energy policy that focuses on a greater commitment to technology; including hybrid and hydrogen fuel cell technology, renewable fuels, and greater efficiency can take us a long way, if not the entire way, to the goal proposed by the Senator from Washington.

As difficult as it may be, we must try to meet the goal set forth in this amendment. We would be far worse off as a country if we just threw up our hands and admitted defeat.

The people I meet on my travels around Illinois are ready for the challenge. They are tired of giving their hard-earned dollars to foreign governments in the form of record-high gasoline prices. They are tired of seeing their foreign policy being influenced by America's insatiable need for Middle East oil. They are looking to their leaders in Washington for innovative leadership. If we lay down the challenge in this amendment, I have every reason to believe that the American people will rise up to meet it—much like they met a similar challenge 40 years ago.

In 1962, President Kennedy traveled to Rice University to speak about the challenge that he had laid down the year before. He stated: ''Surely the opening vistas of space promise high costs and hardships as well as high reward. So it is not surprising that some would have us stay where we are a little longer, to rest, to wait. But this city of Houston, this State of Texas, this country of the U.S. was not built by those who waited and rested and wished to look behind them.''

When it comes to our energy policy, we are long past the point of waiting and resting and looking behind us. I urge my colleagues to support the amendment offered by the Senator from Washington.

Mr. BAUCUS. Mr. President, I would like to briefly explain why I support Senator CANTWELL's oil savings amendment to H.R. 6, the Energy bill.

First, Senator CANTWELL's amendment sets a goal for the United States of reducing our dependence on foreign sources of oil by 4 percent by 2025. I do not understand how anyone could argue that it is not in this Nation's best interests to increase our domestic energy security and reduce our dependence on unreliable and undemocratic regimes abroad. We all like to talk about energy independence, but our efforts in that direction are lacking, as evidenced by the rapid growth in our dependence on oil imports that is projected to continue well into the future. I think Senator CANTWELL's amendment sets a worthy target that we can all work together to achieve.

Second, we—the world' s greatest economy—can certainly achieve this goal in a way that not only reduces our reliance on foreign oil but spurs new innovation and economic growth, without penalizing any sector of our economy. This amendment is not a backdoor effort to dramatically increase Corporate Average Fuel Economy standards, which I would not support. As modified it allows the President the flexibility to achieve the oil savings goal with existing authorities, or with new authorities that he or she requests from the Congress. Thus, the goal could be reached through a variety of means, including increased investments and incentives for hybrid vehicles and other transportation technologies or increased use of biofuels like ethanol and biodiesel.

Additionally, if the President is having difficulty reaching the goal, he or she need only reduce our depenence on foreign oil to the maximum extent practicable, and must ensure reliable and affordable energy for the country, and maintain a healthy economy with strong job growth.

This is a fair and sensible amendment, and I support it.

Mr. LEVIN. Mr. President, I support the goals for reducing this Nation's dependence on foreign oil that are embodied in the Cantwell amendment. We need to strive for energy independence, and I believe it is important to take bold steps toward reducing our oil consumption. Our policies have long ignored the problem of U.S. dependence on foreign oil, and we remain as vulnerable to oil supply disruptions today as we have been for decades. Taking the steps necessary to reduce our dependence on foreign oil is a critical objective for this country.

I have long supported a broad array of Federal efforts to meet this objective. I believe that we need a long-term, comprehensive energy plan, and I have supported initiatives that will increase our domestic energy supplies in a responsible manner and provide consumers with affordable and reliable energy. There are many provisions included in this bill that will help take important steps in this direction—particularly those provisions of this bill that address energy efficiency and renewable energy and will lead us toward greater uses of alternative fuels such as ethanol and biodiesel.

I have also long advocated Federal efforts that will lead to revolutionary breakthroughs in automotive technology. As many of my colleagues have said, we need a level of leadership similar to the effort of a previous generation to put a man on the moon. I believe we need our own moon shot in the area of automotive technology to develop alternatives to petroleum and to make more efficient use of all forms of energy.

We need a significantly larger effort than anything on the drawing boards. We need to put greater Federal resources into work on breakthrough technologies—such as hybrid technologies, advanced batteries, advanced clean diesel, and fuel cells—that will provide potentially dramatic increases in vehicle fuel economy and help us

move toward making this Nation less dependent on foreign oil and reducing our emissions of greenhouse gases.

Federal Government investment is also essential not only in research and development but as a mechanism to push the market toward greater use and acceptance of advanced technologies. For example, expanding the requirements for the Federal Government to purchase advanced technology vehicles will help provide a market for advanced technologies. We also must have far greater tax incentives for advanced technologies than have been proposed to date.

I believe the goals for reducing our dependence on foreign oil in the Cantwell amendment can be met by taking bold actions in the areas I have mentioned and without relying on increases in Corporate Average Fuel Economy standards. Higher CAFE standards will not produce real results—they will only exacerbate the inherent discriminatory features in the CAFE system that give an unfair competitive advantage to foreign auto manufacturers and have contributed to the loss of manufacturing jobs in this country. Senator CANTWELL and the sponsors of this amendment have assured the Senate and her amendment was modified so that there are no policy assumptions in this amendment that will increase CAFE standards. The goals of this amendment are laudable, and since they are simply goals—which after the modification can be achieved with new authorities, tax incentives for instance, and do not rely on use of existing authorities—I can now support the amendment.

Mr. MCCAIN. Mr. President, I strongly support the objective of Senator CANTWELL's amendment. It is difficult to disagree with legislation that proposes to achieve the important goal of reducing our dependence on foreign oil. Unfortunately, the amendment is an exercise in setting expectations without establishing how they will be met. As such, I cannot support it.

The job of Congress is not only to determine policy objectives, but also to establish the means to achieving such goals in a manner that best services the public interest. While this amendment sets aggressive goals for cutting America's dependence on foreign oil, it places the total burden on the President and the administration to develop and implement the measures to reduce our dependence without one iota of guidance as to how this reduction should occur. Frankly, that is both a risky and an irresponsible proposition.

What if this or any future President were to decide to meet this amendment's targets by drilling in ANWR, or by raising gasoline taxes? This amendment does not speak to those policy options, and—as shown by the examples I have set forth—the end of reducing our dependence on foreign oil does not necessarily justify the means. Instead of relying on wishful thinking and trust that the executive branch will do the right thing, we should consider and approve commonsense policies that will make our Nation more energy efficient, less dependent on foreign oil, and more competitive in the global energy market, and that will effectively address global warming.

The national energy policy that we establish in this Congress will deeply impact our security, economy, and our environment. Even though we agree on goals, we cannot in good faith transfer all responsibility for determining how to achieve them to the executive branch. That is a dereliction of our duty as Senators—a duty that I take seriously and will not relinquish merely to show that I support the laudable goal of reducing our dependence on foreign oil.

Mr. KOHL. Mr. President, I support the Cantwell energy security amendment, which would set a national goal of reducing projected imports of foreign oil by 40 percent by 2025 in the United States.

I strongly believe we must be more proactive in reducing our dependence on foreign oil, and Senator CANTWELL's amendment is a great start to accomplishing that goal. The current path we are on is detrimental to numerous facets of our economy, environment and national security. This is due to the ongoing instability in the Middle East, which is where the vast majority of our oil comes from, and coupled with the environmental problems associated with the use of fossil fuels. At present, petroleum imports account for fully one-half of our national oil use and one-third of our trade deficit. In addition, the use of oil and other fossil fuels contributes to global climate change, air pollution, and acid rain.

In order to achieve this ambitious plan we will have to implement many comprehensive energy saving policies. Many people believe this amendment down the road could raise fuel efficiency standards on automobiles. There are many energy policies we need to pursue to achieve this ambitious goal. In the past I have not supported raising CAFE standards and I do not believe this amendment would require such a change. In order to make this plan successful we need to support the development of alternative energy, such as ethanol, hybrid vehicle technology and others.

I have long believed that our Nation must implement a sensible national energy policy which emphasizes greater energy conservation and efficiency, as well as the development of renewable resources. Simply put, we cannot continue to rely on imported oil to meet such a large part of our Nation's energy needs and that is why I support Senator CANTWELL's amendment to the energy bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. All remaining time is controlled by the majority.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding that the only time remaining is that of the majority. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I will use leader time or, if no one is going to use their time, I will just use whatever is available.

The PRESIDING OFFICER. The Senator may proceed.

Mr. REID. If someone from the majority wants to speak, I will be happy to put the vote over for a few minutes for whatever few minutes I use.

I, first, want to thank Senator BINGAMAN for his leadership on the renewable energy issue. He has always been there. It is also important to mention Senator JEFFORDS. Senator JEFFORDS has been so stalwart. I remember an Energy and Water bill that Senator DOMENICI and I did in years past. We did not put enough renewable in there and Senator JEFFORDS brought amendments to the floor and fought us on this on the Senate floor. He has been a stalwart.

In this particular instance, the leader has been Senator BINGAMAN, and I appreciate very much the work he has done.

There is no question in my mind that we must harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide renewable energy for our Nation. There are many reasons our Nation needs to develop more renewable energy. It can power our homes and businesses without polluting the air we breath or the water we drink. Renewable energy will protect consumers from wild price swings by providing steady, reliable sources of energy. There is a reason we call the famous geothermal geyser Old Faithful, and that is because renewable energy is as old as the wind, as durable as the Sun, and as constant as the Earth.

Renewable energy will bolster our national security because it is made in the USA. The supply cannot be manipulated by any foreign power. Scientists have said, for example, the Nevada Test Site where we have detonated about 1,000 nuclear weapons, one could have solar power that would supply the whole Nation with electricity.

We do not have that, of course. We have no solar energy at the Nevada

Test Site, but it is an example of what can be done.

Finally, renewable energy creates jobs, often in rural areas that need them the most. Nevada is a perfect example. Most of our geothermal energy is in rural Nevada. The steam has been coming from the ground in those places since man started coming there. When the pioneers came across Nevada, one of the places they would come after leaving the area that is now Utah is this dry, parched desert. The first thing they would see is water in a place near Gerlach, NV. The first few pioneers, immigrants, and their animals went into that water. They did not do that very often. They could not do it because it would kill them. It was boiling water. As thirsty as they were, they would have to siphon the water down and cool it.

It is still there, the same hot water, the same steam coming from areas around Gerlach. There is tremendous potential for renewable energy. In 2002 and 2003, the Senate passed the renewable energy electricity standard requiring that 10 percent of the electricity sold by utilities be generated from renewable energy sources. We should do no less this year. It would be even better if we could match our friends in Europe and achieve 20 percent.

Other nations have been developing renewable energy resources at a much faster rate than the United States. In 1990, America produced 90 percent of the world's wind power. Today, it is less than 25 percent. Germany now has the lead in wind energy; Japan in solar energy. We have an opportunity to regain the position as a world leader in renewable energy. In the United States today we get about 2 percent of our electricity from renewable energy sources, such as wind, solar, geothermal, and biomass. That is a paltry sum. The potential is there for a much greater supply.

The renewable electricity standard and the production tax credit are critical to growth of renewable energy in America. The State of Nevada is blessed with enough geothermal energy to generate one-third of the needs of Nevada today, but geothermal supply is only about 2 percent of our power. I am happy that Nevada has adopted one of the most aggressive renewable portfolio standards in the Nation. We set a goal of generating 15 percent of our electricity with renewable energy by the year 2013. Our legislature is to be commended. They did that 2 years ago.

Developing these resources will protect our environment, will help consumers, and will create jobs in our State. If Nevada can meet its renewable energy goal of 15 percent by 2013, then the Nation certainly should be able to meet a goal of 10 percent by 2020.

Many States are blessed with abundant supplies of renewable energy resources. Twenty-one States have already adopted renewable electricity standards. If we consider environmental and health effects, the real costs of energy become more apparent, and we see the renewable energy is a winner. A national renewable electricity standard by 2020 will also spur nearly $80 billion in new capital investment and $5 billion in new property tax revenues to communities.

Let's never lose sight of the fact that renewable energy sources are domestic sources of energy and using them instead of foreign sources contributes to our energy security.

I urge my colleagues, both the majority and minority, to vote for the Bingaman amendment.

Mr. SESSIONS. Mr. President, I yield back all remaining time on this side.

The PRESIDING OFFICER (Mr. VITTER). All time is yielded back.

The question is on agreeing to the amendment, as modified.

Ms. CANTWELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—47

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Snowe
Dayton	Levin	Specter
Dodd	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—53

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Stabenow
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

The amendment (No. 784), as modified, was rejected.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 791

Mr. DOMENICI. Parliamentary inquiry: What is the regular order?

The PRESIDING OFFICER (Mr. COLEMAN). There are 2 minutes evenly divided on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, when I go home on the Fourth of July and my constituents ask what I did about high natural gas prices, high gasoline prices, about our competition with China and Japan and India to keep our jobs, I am going to tell them I voted no on the Bingaman amendment to order utilities to make 10 percent of their energy from a limited number of renewable fuels, because it is an $18 billion electric rate increase over 20 years. At a time of high natural gas prices, high gasoline prices, the last thing we should do is an $18 billion electric rate increase over 20 years.

The distinguished Senator from New Mexico will tell us that it will be offset by natural gas reductions, but that is only if there is a $5 natural gas rate in 2025. One thing we know is, it is a big electric rate increase when we should be reducing prices.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this is an amendment which says utilities that produce electricity in this country by the year 2020 should ensure that up to 10 percent of their electricity comes from renewable sources. It doesn't specify which renewable sources. It gives them a variety of choices. According to the Energy Information Agency, the $18 billion is more than offset by the savings these utilities will get by not having to invest in additional traditional sources of generation. This will result in a reduction in electricity rates and a reduction in gas rates, according to our own Department of Energy. I believe this is good legislation. I hope my colleagues will support it. It will strengthen this bill and give us a much better energy bill to take to conference.

I ask unanimous consent that Senator SNOWE of Maine be added as a cosponsor to the amendment.

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

The question is on agreeing to amendment No. 791.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—52

Akaka	Corzine	Kerry
Baucus	Dayton	Kohl
Bayh	Dodd	Landrieu
Biden	Dorgan	Lautenberg
Bingaman	Durbin	Leahy
Boxer	Ensign	Levin
Brownback	Feingold	Lieberman
Cantwell	Feinstein	Lincoln
Carper	Grassley	Mikulski
Chafee	Harkin	Murray
Clinton	Inouye	Nelson (FL)
Coleman	Jeffords	Obama
Collins	Johnson	Pryor
Conrad	Kennedy	Reed

Reid	Schumer	Stabenow
Rockefeller	Smith	Wyden
Salazar	Snowe	
Sarbanes	Specter	

NAYS—48

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Roberts
Bunning	Graham	Santorum
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

The amendment (No. 791) was agreed to.

Mr. DORGAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Are we, under regular order, scheduled to move on to another amendment?

The PRESIDING OFFICER. There is no amendment pending at this time.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Georgia would like to engage in a colloquy with the Senator from New Mexico. For that purpose, I yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in hope that the chairman of the Energy and Natural Resources Committee, the Senator from New Mexico, will engage in a colloquy with myself, as well as Senator SMITH of Oregon, regarding some concerns we have about the renewable portfolio standard amendment.

While I support the development of renewable energy and other clean energy resources, I believe that each region of the country has the ability to develop these resources in a variety of ways. In fact, at least 21 States already have a State RPS, and many other States have programs to promote renewable energy, all of this being accomplished without a Federal mandate.

The problem with the RPS amendment is that it imposes a one-size-fits-all mandate on the whole country without regard for whether the requirement is technologically or economically feasible. Not every State or region has the same amount of renewable energy available to comply with the rigid 10-percent RPS mandate the amendment would impose. As a result, utilities in States that do not have enough renewable energy will need to comply with the RPS mandate by purchasing credits at a cost of 1½ cents per kilowatt hour. Mr. President, 1½ cents may not sound like a lot of money, but when it is multiplied by the number of kilowatts needed to comply with a 10-percent RPS by 2020, it can add up to billions of dollars—billions of dollars in what should be called a tax on consumers. I call it a tax because that is essentially what it is. It is dollars that will come out of the pockets of consumers and go straight to the Federal Government. That makes no sense at all.

If the Government wants more renewable energy, it does not make sense to take billions of dollars away from consumers in a region simply because they do not have access to adequate renewable resources at a reasonable cost.

If there must be an RPS provision in this Energy bill—and I do not believe it is necessary—it must, at a minimum, allow more flexibility for each State and region.

I ask that the distinguished chairman commit to work with me in the conference to modify the provision to allow greater flexibility and to protect consumers from unnecessary cost increases. In particular, I ask that we work together to address the regional issues inherent in any such provision and ensure that States that do not have the technological capabilities to comply with the RPS mandate are not penalized. I note that even many supporters of a Federal RPS mandate recognize the need for State-by-State flexibility.

The Senator from Oregon does have a comment relative to this issue, and I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank the Senator from Georgia for his comments. He reflects well the views of his State and the region.

Those of us, such as myself, who voted for this RPS standard understand the regional differences. In my view, an important purpose of an RPS is to diversify the Nation's energy supply. I understand that different States have different resources. For that reason, I believe it is appropriate to provide for greater flexibility for the States.

I would like to work with the Senator from Georgia and the distinguished chairman of the Energy and Natural Resources Committee to make appropriate modifications to the provision.

I yield back to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Oregon for his comments. Again, I strongly oppose the RPS, but if there must be one in the Energy bill, I ask the distinguished chairman if he will commit to work with the Senator from Oregon and myself in conference to make these modifications to the provision to ensure that the RPS promotes renewable energy where it is most needed without harming consumers.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I respond by saying to the distinguished Senator from Georgia and the distinguished Senator from Oregon that I would be delighted to work with them and, obviously, with other members of the conference in an effort to do what I can to ensure that each State is treated fairly and that none are penalized by an overly rigid mandate.

I am fully aware of the disparity between States, and I say to the Senator from Georgia and the Senator from Oregon that their States were on the map showing they are the have-not States in terms of wind. They have a lot of other items with which they can meet a standard. Renewable is going to be the test here, and it is going to be difficult.

The Senate has spoken—close vote. We will do what we can in conference. The Senator understands there is no such provision in the House bill. We will do our best to see what we can do to recognize the Senator's position and yet recognize the closeness of the vote and the very severe repercussions on some States.

Mr. CHAMBLISS. Mr. President, I thank the chairman for his comments, and I look forward to working with him.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today with a profound sense of optimism and appreciation. We have not enacted a comprehensive energy bill since 1992. Many programs need reauthorization and many need revision. Programs and demonstrations must be updated to today's and tomorrow's energy parameters.

I have long said that the Nation needs a comprehensive blueprint for an energy policy that will take us in advanced directions, away from dependence on declining reserves of fossil fuel and foreign sources of oil. We need a policy which will reconcile growth and energy conservation in our transportation, manufacturing, utility, and consumer sectors across the Nation. We need to bring down the high costs of electricity and gasoline for the country, particularly in my State of Hawaii, and pursue greater energy independence from petroleum products. S. 10, the Energy Policy Act of 2005, provides the best opportunity that I have seen in years.

As a senior member of the Senate Committee on Energy and Natural Resources, I am familiar with cutting-edge technologies and approaches to generating energy. I was closely involved in crafting several parts of this energy bill—legislation that contains three bills that I have introduced, and a hydrogen title that was crafted with the leadership of Senators DORGAN, GRAHAM, and myself as members of the Senate Hydrogen and Fuel Cell Caucus. I have contributed to comprehensive energy bills in 2002 and in 2003.

I wish to thank both Senators from New Mexico for their leadership and hard work in bridging many regional

differences in this comprehensive bill, while still keeping in mind the overall vision for an energy bill. The Energy Committee, under the leadership of Senators DOMENICI and BINGAMAN, held a series of structured hearings that were informational briefings from a broad spectrum of industry, environmental groups, non-profits, and small businesses. Senator DOMENICI and Senator BINGAMAN are to be commended for keeping an open mind about the potential for new energy sources and a balance of renewable and fossil fuels, science and research and development. In sum, this is a balanced energy bill.

The energy policies that we address in this legislation cover a vast range of authorities and a patchwork of unruly regional alliances. This translates to an enormous challenge, and I appreciate Senator DOMENICI and Senator BINGAMAN's hard work and the work of their staffs. I want to compliment them on crafting an energy bill that will help the Nation as well as States with special ''off-grid'' energy needs such as Alaska, my state of Hawaii, and insular territories and commonwealths.

I support this bill and voted for it in our Committee. The bill is well-balanced between renewable energy production, energy efficiency provisions, oil and gas technologies, electricity provisions, and alternate and visionary sources of energy such as hydrogen. The bill invests in the Nation's Research and Development for energy technologies, something that we must continue doing to remain leaders in the world, as global demand for energy increases. The last title of the bill, Title Fourteen, provides much-needed incentives for innovative technologies, through loan guarantees for new energy facilities and projects.

I greatly appreciate the inclusion of title VIII, the Hydrogen title. I am an original cosponsor of S. 665, the Hydrogen and Fuel Cell Technology Act of 2005, and worked with Senators DORGAN, GRAHAM, and other members of the Hydrogen Caucus to craft this bill, which is included in S. 10. The bill reauthorizes and amends the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, which has been the basic authority for Federal hydrogen programs for the last 20 years. Reauthorization of the Matsunaga Act is badly needed and I have been working toward that goal for several years. The bill provides for robust R&D for hydrogen fuel cells. It includes a provision to enhance sources of renewable fuels and biofuels for hydrogen production among its R&D priorities, which is very important for isolated areas such as Pacific islands and rural areas across the Nation.

In addition to the R&D section, the bill includes hydrogen fuel cell demonstration programs for vehicles and for national parks, remote island areas, and on Indian tribal land. The bill authorizes system demonstrations, including distributed energy systems that incorporate renewable hydrogen production and off-grid electricity production. In other words, the bill includes a broad range of hydrogen energy applications that will reach out to rural communities and lower income families, hospitals, military facilities—not solely vehicle applications and infrastructure. It recognizes the importance of developing hydrogen from renewable sources and demonstration projects for stationary and distributed energy systems in remote areas and islands.

I am pleased that the bill contains my request for an energy study in Hawaii. I thank Senators DOMENICI and BINGAMAN for including my bill, S. 436, the Hawaii Energy Study bill. Hawaii is uniquely dependent on crude oil for its energy sources. Before we invest in a different energy mix and infrastructure, we need to make transparent all the dynamics between fuels, generating electricity, and the consequences of the directions we choose.

The bill directs the Secretary of Energy to assess the short- and long-term prospects of oil supply disruptions and price volatility and their impacts on Hawaii, and to assess the economic relationship between oil-fired generation of electricity from residual fuel and refined products consumed for transportation needs of Hawaii. In Hawaii, the costs of gasoline, electricity, and jet fuel are intertwined in an intricate relationship, because they all come from the same feedstock, and changes in the use of one can potentially drive consumer prices up or down.

Although we approved an ethanol title yesterday, I would like to add a few words on the topic of the ethanol mandate. First, I would like to extend my appreciation to Senators TALENT and JOHNSON, and their staff, who have shown great leadership in working with committee members to understand the challenges that States face with a Federal ethanol mandate. I am particularly sensitive to States' needs with respect to renewable fuels and renewable energy. In Hawaii and other remote areas we lack the ability to produce ethanol. We would like to have that ability to free us from importing ethanol and the rising price of crude oil.

Hawaii has had the highest gasoline prices in the Nation over the last 10 years. We also have a State mandate to use ethanol, enacted last year and due to go into effect in spring of 2006. Our State ethanol mandate is driven by the desire to increase the use of biomass, increase the renewable content in our transportation fuels, and decrease the imports of crude oil to Hawaii. These are all good goals. Our sugar interests and ethanol producers are struggling to put facilities into place to produce ethanol because we need to meet our State mandate.

This is why Senator INOUYE and I greatly appreciate the inclusion of cellulosic and sugar cane-to-ethanol provisions in this bill. The demonstration provisions will greatly assist us in reaching our ethanol goals in the State.

We also need a loan guarantee program to help our producers. The loan guarantee program in the amendment we adopted is more restrictive than the one approved and reported by the Energy Committee. Hawaii's ethanol facilities are projected to produce between 7 and 15 million gallons of ethanol and the market in Hawaii is about 45 million gallons. Hawaii has an independent market and a State requirement for ethanol. Our plants will be smaller than in other States and would greatly benefit from a loan guarantee program for smaller producers. This is very important to my State and I look forward to working with my colleagues to further address this issue in conference.

In other titles of the Energy bill, I am pleased that title VI, Nuclear Matters, includes provisions of a bill I introduced earlier this year, S. 979, to require the Department of Energy to provide for a facility for the safe storage of greater-than-class-C radioactive waste. Radioactive sealed sources, which can be used to create a ''dirty bomb,'' are all around us and pose a great risk. The administration must take action to ensure the control and safe disposal of those sources.

The energy bill also includes S. 711, a bill I introduced with Senator MURKOWSKI to reauthorize the methane hydrates program at the Department of Energy. Hydrates are important—the U.S. has enormous hydrate resources, perhaps as much as a quarter of the world's gas hydrates. As increased demand draws down natural gas reserves, we must look to additional sources, such as hydrates, for the future. The bill includes a robust methane hydrates program that includes the recommendations of the National Research Council's study on the program and future of methane hydrates.

We still have much work ahead of us. The bill does not include fuel economy standards which significantly increase the fuel efficiency of automobiles and are a vital component of a comprehensive energy policy. The American people want to spend less money on gasoline, be less dependent on foreign oil, address the issue of climate change, and breathe cleaner air. Strong fuel economy standards help provide some solutions. Also the bill does not address the growing emissions of carbon dioxide, which are radically changing the world around us. I am hopeful we will address these matters on the floor and I look forward to the debate.

Again, I appreciate and commend my colleagues Senators DOMENICI and BINGAMAN on the bipartisan nature of this bill and the process by which it was developed.

AMENDMENT NO. 794

Mr. DOMENICI. Mr. President, on behalf of myself and Senator BINGAMAN, I send a managers' amendment to the desk. It has been agreed to on both sides, is predominantly technical, and

has been agreed to by anyone who has any interest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 794.

The amendment is as follows:

On page 10, strike lines 5 through 8 and insert the following:

(2) INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1065 (20 U.S.C. 1001(a)).

(B) INCLUSION.—The term ''institution of higher education'' includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of 1 or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with 1 or more of those organizations.

On page 121, lines 9 and 10, strike ''subsection (a)'' and insert ''paragraph (1)''.

On page 223, line 16, strike ''date of enactment of this Act'' and insert ''effective date of this section''.

On page 225, between lines 4 and 5, insert the following:

(e) EFFECTIVE DATE.—This section takes effect on October 1, 2006.

On page 451, line 8, insert ''manufacturability,'' after ''electronic controls''.

On page 452, strike lines 8 and 9 and insert the following:

''(b) MEMBERSHIP.—The Task Force shall be

On page 452, line 15, strike ''members'' and insert ''Federal employees''.

On page 452, strike lines 18 through 21.

On page 478, between lines 9 and 10, insert the following:

SEC. 916. BUILDING STANDARDS.

(a) DEFINITION OF HIGH PERFORMANCE BUILDING.—In this section, the term ''high performance building'' means a building that integrates and optimizes energy efficiency, durability, life-cycle performance, and occupant productivity.

(b) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Institute of Building Sciences to—

(1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the research, development and demonstration activities of the Department;

(2) determine if additional research is required, based on the findings of the assessment; and,

(3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) GRANT AND TECHNICAL ASSISTANCE PROGRAM.—Consistent with subsection (b), the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 et seq.), and the amendments made by that Act, the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

On page 497, line 13, strike ''using thermochemical processes''.

On page 505, line 23, strike ''proton exchange membrane''.

On page 742, line 8, strike ''Power'' and insert ''Energy Regulatory''.

On page 755, after line 25, insert the following:

SEC. 1329. OVERALL EMPLOYMENT IN A HYDROGEN ECONOMY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a study of the likely effects of a transition to a hydrogen economy on overall employment in the United States.

(2) CONTENTS.—In completing the study, the Secretary shall take into consideration—

(A) the replacement effects of new goods and services;

(B) international competition;

(C) workforce training requirements;

(D) multiple possible fuel cycles, including usage of raw materials;

(E) rates of market penetration of technologies; and

(F) regional variations based on geography.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the findings, conclusions, and recommendations of the study under subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 794) was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I would like to begin my remarks by thanking Chairman DOMENICI and Senator BINGAMAN, the ranking member, as well as their staffs, for the hard work and excellent effort they have made in preparing an energy bill. Their leadership has allowed the Senate to come together on a comprehensive energy policy that is of paramount importance to our Nation's future security and economic interests. While there are provisions in this bill about which I am troubled, I did vote for it in committee and would like very much to do so here on the floor. But there are some reservations I have. There are some things that were omitted, some that have actually been included and others that might be included about which I would like to speak, one in particular is one of great importance to the State of New Jersey.

I see my esteemed colleague Senator FRANK LAUTENBERG here as well. He will be speaking about this issue. That is the threat of oil and gas drilling off the coast of southern New Jersey's 127 miles of shore.

All of you heard Senators NELSON and MARTINEZ speak on the floor earlier this week about Florida's treasured coast and how important it is to Florida's environment and economy that its coast be protected from any weakening of the moratoria on drilling in the Outer Continental Shelf. My colleagues from Florida should take every step necessary to protect their beaches and coastal waters. As a Senator from a coastal State where tourism is the second largest industry, I think Senator LAUTENBERG and I also want to take every step necessary to protect the New Jersey shore from any effort to weaken the longstanding, bipartisan moratorium that exists on drilling in the Outer Continental Shelf.

As I understand it, the chairman and ranking member have both agreed to oppose any amendments that open up the OCS moratoria on submerged lands off of Florida's coast. I am, of course, pleased that recognition was taken in that instance. But it is a bit disconcerting that the rest of the moratoria on offshore drilling was not addressed. Many OCS areas still seem vulnerable to something that could destroy that moratoria, and that is a problem. It is a problem for the State of New Jersey. I think it is for many, if not all, of the other coastal States that are protected by the moratoria.

This has been a priority of mine since I have been in the Senate. Along with Senator LAUTENBERG, I introduced the Clean Ocean and Safe Tourism Anti-Drilling Act in the 107th, 108th, and 109th Congresses. This bill would make permanent the moratoria on drilling in the Mid- and North Atlantic Planning Areas, as opposed to having it be an issue that is dealt with year to year in the appropriations process or by Executive order.

I know, with certainty, the people of New Jersey—I mean with certainty—do not want to see oil and gas rigs off their coast. The Jersey Shore is one of the fastest growing parts of the State of New Jersey. It is in the most densely populated State already. The New Jersey shore is one of those things that defines our State. We want to maintain the beauty and cleanliness of our beaches as well as protect our fishing grounds as they make up a huge portion of our State's revenue.

The New Jersey Department of Commerce calculates that tourism in our State generates more than $31 billion in spending. Almost all of that is focused on our shore. It directly and indirectly supports 836,000 jobs, more than 20 percent of the total State employment. In addition, it generates about $16.6 billion in wages and $5.5 billion in tax revenues for the State. It is a big deal for us, a very big deal. If we are going to take a risk with our shoreline, we must first look at the cost-benefit analysis.

Any threat of drilling, any threat to New Jersey's environment and economy compel me to stand here and make sure people understand how important it is to us.

New Jersey is not alone in this. This is something that people recognize up and down the eastern seaboard and on the western coast.

New Jersey is already a State that is carrying a heavy load in terms of supporting the energy production needs and the refining needs of this Nation. We have three nuclear powerplants. We export energy. We have many traditional powerplants, and support siting of an LNG terminal. We are also a

place that has been supportive of alternative energy. We are moving in the direction toward all of those things that promote efficiency. New Jersey is the east coast hub for oil refining, for the chemical industry. We are doing our part in growing and sustaining the Nation's energy resources.

But risking and exploiting our shore, to do that is a step too far. I repeat, it is a step too far, risking what I think no one else would do if it were related to their economy, their people's quality of life, their people's needs.

I am not the only Senator who has concerns about amendments to this bill that will weaken the moratorium. I have been in contact with a number of coastal State Senators. We will have a letter that speaks against any changes to the current OCS moratoria. My concern about some of the provisions of the bill, including the inventory provision, are reinforced by some of the rumblings I hear about trying to move further in opening up this Outer Continental Shelf.

I fear we are on a slippery slope that would lead to eventual drilling off the New Jersey coast, which is of great concern and will lead to the kinds of actions that can stand in the way of the overall bill. It will not be just a New Jersey issue; it will be a broader issue.

Given the minimal benefit of offshore drilling—at least based on the science that has been applied to this issue—I don't see the need to be threatening over 800,000 jobs and the state revenues I mentioned earlier for what the Minerals Management Service (MMS) estimated in 2000 to be roughly 196 million barrels of oil off our coast. That, by the way, is enough to fuel this country's needs for only 10 days. The MMS also estimated a mean of only 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region. Compare that to areas already open to drilling in the Gulf—not those adjacent to Florida—that contain 18.9 billion barrels of oil and 258 trillion cubic feet of natural gas.

I don't know what kind of cost-benefit analysis is being taken to be pushing forward with this offshore inventory, when the studies have already shown the great capacity of one area versus what is expected to be found off of New Jersey's coast.

We want to protect this moratoria. It is an issue I take very seriously. We hear there is the potential for weakening the moratoria in another way by providing for potential amendments that allow States to opt out of the moratoria and possibly even revenue-sharing amendments that would encourage states to opt out of the moratoria. Allowing States to opt out would be detrimental to States' neighbors. This is an argument long understood and argued by Florida. New Jersey's coastline, obviously, is very close to other States. Tides move across state borders and fisheries don't recognize state borders. One State's choice could end up being detrimental to another.

We have ample reason to say that coastal states ought to be concerned about this issue. In fact, we have, for planning purposes, divided up the country into planning areas. The Mid-Atlantic and the North Atlantic OCS Planning Areas, which extend from North Carolina to Maine, is of most concern to New Jersey. But I understand the same arguments from everyone else in every other planning area. Water does not recognize the borders we have established in a political contest. We need to protect the offshore moratoria so that we can protect our beaches and our shores as we go forward.

Mr. President I have here a bipartisan, bicameral ''Dear Colleague'' letter from almost every member of the New Jersey Congressional Delegation that expresses the concern of those who represent New Jersey that this moratoria be sustained. I also have a bipartisan letter signed by over 100 Members of the House of Representatives, both sides of the aisle, stating their strong support for the legislative moratoria on activity in submerged lands of the Outer Continental Shelf. I ask unanimous consent that these two letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 15, 2005.

Hon. PETER DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN AND RANKING MEMBER: We are writing to express our strong opposition to any amendment to the Senate Energy bill that would weaken or destroy the 24-year moratoria on drilling in the Outer Continental Shelf (OCS).

As we understand, you have agreed not to vote for any amendments that alter the current OCS moratoria with respect to submerged lands off of Florida's coast.

While believe that the current OCS moratoria off the Florida's coast should be protected, we are deeply concerned that this agreement leaves the coasts of our states vulnerable to amendments that would weaken the moratoria off other areas of the Outer Continental Shelf.

As senators of coastal states whose environment and economies would be in serious danger should the OCS moratoria be weakened in any way, we will oppose any provision that would threaten the moratoria, including, but not limited to amendments allowing states of opt out of the OCS moratoria or provide for revenue-sharing as an incentive for states to opt out of the moratoria.

We are liking your commitment to oppose any amendments that endanger the moratoria on one oil and gas leases in the entire Outer Continental Shelf. As you know, Congress has infused language protecting the current OCS moratoria in annual appropriations bills since 1982. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas and President Clinton issued a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given this history, any change to the moratoria will be a dramatic change in policy. It is our hope that this important bill will not get bogged down by this issue, but without assurances that you would oppose any amendments that would undermine the current moratoria, we will be forced to use all procedural tactics to protect our precious resources.

We hope we will be able to work together with you to resolve this issue.

Sincerely,

Jon S. Corzine, Paul Sarbanes, John F. Kerry, Dianne Feinstein, Patty Murray, Frank R. Lautenberg, Edward M. Kennedy, Barbara Boxer, and Ron Wyden.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. CHARLES TAYLOR,
Chairman, Subcommittee on Interior and Environment, Committee on Appropriations, Rayburn House Office Building, Washington, DC.

Hon. NORM DICKS,
Ranking Member, Subcommittee on Interior and Environment, Committee on Appropriations, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN TAYLOR AND RANKING MEMBER DICKS: We are writing to express our strong support for the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS). We are deeply appreciative of the leadership your Subcommittee has shown on this issue over the years and hope to work with you this year to continue this vital protection.

The legislative moratorium language prohibits the use of federal funds for offshore leasing, pre-leasing and other oil and gas drilling-related activities in moratoria areas, enhancing protection of those areas from offshore oil and gas development. As you know, in 1990 President George H.W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. As you know, President George W. Bush endorsed the moratorium in his 2006 budget. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

With a renewed interest in developing natural gas and oil on the OCS, we believe it is again imperative for Congress to reaffirm its authority on this issue. Therefore, we respectfully urge you to include the OCS moratorium language in the fiscal year 2006 Interior and Environment Appropriations legislation. Specifically, we ask you to use the language in Sections 107, 108 and 109, Division E, Department of the Interior and Related Agencies of the fiscal year 2005 Consolidated Appropriations Act (P.L. 108–447). These sections restrict oil and gas activities within the OCS in the Georges Bank-North Atlantic planning area, Mid-Atlantic and South Atlantic planning area, Eastern Gulf of Mexico planning area, Northern, Southern, and Central California planning areas, and Washington and Oregon planning area.

Once again, we encourage the Subcommittee to support these important provisions, which represent over 20 years of bipartisan agreement on the importance of protecting the environmentally and economically valuable coastal areas of the United States. Thank you for your consideration of this request.

Sincerely,

Members of the House of Representatives:

Lois Capps, Randy ''Duke'' Cunningham, Jeff Miller, Jim Davis, Michael

Michaud, Madeleine Bordallo, Ginny Brown-Waite, Jay Inslee, Frank LoBiondo, Rob Simmons, Mark Foley, Jim Langevin, Ed Case, Jim McGovern, Sherrod Brown, Chris Smith, Dennis Cardoza, Frank Pallone, Jr., G.K. Butterfield, Tom Feeney.

Pete Stark, Robert Wexler, Anna Eshoo, Zoe Lofgren, Katherine Harris, Jerry Nadler, Carolyn Maloney, Alcee Hastings, Mike Honda, Hilda Solis, Grace Napolitano, Mark Kennedy, Brian Baird, Susan Davis, Sam Farr, Clay Shaw, Christopher Shays, Rush Holt, Betty McCollum, Ellen Tauscher.

Barbara Lee, Dennis Moore, Raul Grijalva, Chris Van Hollen, Rahm Emanuel, Nick Rahall, Loretta Sanchez, Tom Allen, Anthony Weiner, Jan Schakowsky, Brad Sherman, Jim McDermott, Kendrick Meek, Bob Etheridge, Dale Kildee, George Miller, Donald Payne, Tom Lantos, Earl Blumenauer, Maxine Waters.

Wayne Gilchrest, Rosa DeLauro, Nancy Pelosi, Richard Neal, Dennis Kucinich, Ed Markey, Henry Waxman, Michael McNulty, Michael Bilirakis, Jane Harman, Bart Stupak, Robert Menendez, Barney Frank, Lynn Woolsey, Luis Gutierrez, Jim Saxton, Ileana Ros-Lehtinen, William Delahunt, Peter DeFazio, Mike Thompson, Juanita Millender-McDonald.

David Wu, Carolyn Maloney, Bob Filner, Mario Diaz-Balart, Robert Andrews, Lincoln Diaz-Balart, Xavier Becerra, Howard Berman, Walter Jones, Connie Mack, Diane Watson, Doris Matsui, Linda Sánchez, Debbie Wasserman Schultz, Ric Keller, Adam Schiff, Corrine Brown, Jim Costa, Joe Baca, Bill Pascrell, and Eliot Engel.

Mr. CORZINE. This is a big deal for the State of New Jersey. It is for anyone who is exposed to the coast and has a tremendous amount of industry and tourism that is the livelihood of those individuals who live near the shore. We can avoid the conflict as it relates to the overall energy policy. But it is the responsibility of those who are to defend the interests of our State, to stand up firmly to protect our economy, to protect our environment, to protect our quality of life. We do not need this conflict with regard to this bill.

I hope my colleagues will keep that in mind in the days ahead. Otherwise, there will be those who have to fight in ways that are not our preferred approach especially when we would like to get a bipartisan energy bill to go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first let me say to my friend and colleague from New Jersey how much I admire his commitment to our State and to the things that protect our environment and our well-being. I am very proud of Senator CORZINE. I have mixed feelings about whether I want him to win the race in New Jersey because it is nice to have a hometown boy around.

I join Senator CORZINE in this attempt to protect our State from being affected by drilling for oil off our shore line. When I was a boy, I had occasion to spend time at the New Jersey shore. It was, for me, a matter of almost paradisiacal value to be able to get to that shore and never think about whether we were going to step on plastics, needles, oil spills, or anything like that. It was so much a part of our culture that to change it in any way that we do not have to is an act of poor judgment.

The top of the list, as far as we are concerned, is the New Jersey shore. We call it ''the shore.'' In the summertime, few things are better than a day at the beach, watching your children or your grandchildren play in the surf or go out on a fishing boat or learn something about marine life. We have seen times when a spill occurs how it spoils an entire area.

We are at a time now where in desperation we are searching for ways to make up for our profligate use of oil. We are looking around, trying to find ways to substitute for the bad judgment we used for so many years, for letting it go, for not requiring cars to meet standards for oil consumption or gas consumption.

Hurting our environment, having oil ruin our most delicate and precious resources. It is just not right.

If one wants to fish or walk along the boardwalk, those from New Jersey go to the shore. If you want an evening's recreation, you go to the shore. It is nearby. It is part of our life. It is part of what we think of as the periphery of our State: 127 miles of shore line, the major economic engine for New Jersey.

Tourism, as we heard from my colleague, is a $30-billion industry and supports hundreds of thousands of jobs. Seventy percent of all the State's tourism revenues originate at the shores. Our shores are very important to us. But it goes beyond the economy. It goes beyond all kinds of things that one might think. When you look at the marine ecology, when you see what happens with clam beds or shellfish beds, we cannot fish them any more because of contamination, because of toxins. Those affect our everyday lives.

For 35 States in this country, the coast is at our door, the shore is right there for us—for 35 coastal States. Of course, it includes the States in the Great Lakes area. They too have an interest in protecting their waters. So when anyone proposes something that could put our shores at risk, we take it very seriously.

Of course, that brings us to the bill we are currently considering. There has been a great deal of discussion about violating our longstanding prohibition against offshore drilling by allowing States to opt out of the moratorium. Now, what would that mean? We recently had a spill in the Delaware River. Did it do more damage to New Jersey than it did to Pennsylvania or Delaware? It damaged all of them. Oceans know no boundaries, unless we put up a seawall that extends beyond the borders of our State way out into the ocean and say: OK, you can drill on that side but not the other.

I see the majority leader and Democratic leader looking at me so wistfully, and I wonder if it is in admiration or whether it is something else they had in mind.

Mr. REID. Admiration.

Mr. FRIST. Will the Senator yield?

Mr. LAUTENBERG. I yield, provided I do not lose the floor.

Mr. FRIST. Mr. President, we will have a very short colloquy here as to what to expect over the next several days. It will take 3 or 4 minutes.

Mr. President, Senators have been asking about the schedule for the afternoon, tomorrow, and Monday. First of all, let me congratulate the chairman and ranking member. We are making good progress. The fact that we do not have a lot of amendments flowing out tonight or a lot of requests even for tomorrow or Monday is a good sign. That, coupled with the fact we made substantial progress, leaves me very optimistic. We dealt with ethanol and oil consumption. So we are making progress.

I will come back to what we are going to have to do next week. We will remain in session this afternoon for Members to offer additional energy-related amendments. However, if the amendment requires a rollcall vote, we would order that for next week because of the schedule of tomorrow. We will have no further rollcall votes today. After our business today, we will return to the bill on Monday.

I do want to continue to rely on the continued efforts of our colleagues to come forward and offer amendments now. They have the opportunity this afternoon, early into the evening, and throughout Monday.

I do want to put our colleagues on notice that if it looks as though there is any question about finishing this bill Thursday or Friday of next week—I have told Senators on our side of the aisle to expect votes on Friday, but we are going to complete this bill next week. If there is any question about that, I do want to put our colleagues on notice that I likely will file cloture on Wednesday. And that is not even a veiled threat at all, but it demonstrates the importance on behalf of our leadership, working with the Democratic leader, that we need to move ahead now and that we will finish this bill next week.

Finally, it is also our intention on the Bolton nomination to reconsider the cloture vote on Monday evening. I mentioned earlier that we might do that today, but discussions have continued, constructive discussions have continued over the course of yesterday and over the course of today, and that being the case, we have elected to have that vote on Monday evening. That vote will likely occur—I have not talked specifically with the Democratic leader—around 6 o'clock. Therefore, Senators should be present for that important vote.

Let me turn to the Democratic leader. I would ask if he concurs that we must finish this bill next week. And that is why, indeed, I mentioned we

may have to file cloture, if we do not make continued progress.

Mr. REID. Mr. President, the two managers of the bill are here. They are ready to take amendments. All amendments cannot be offered next week. When we come to these bills, it is always: I am not quite ready; I will do it tomorrow or next week. That time has arrived. We have worked through some very difficult amendments this week—three extremely difficult amendments. They are disposed of now. They were complicated. They were difficult in the eyes of many.

As I see it, Mr. Leader, I think the big issue left, in major scope, is the global warming issue. A number of Senators on both sides are concerned about this. I would hope that an amendment would be offered Monday when we come in, debate this however long it takes, within a reasonable period of time, and dispose of it, maybe Tuesday. I just think it is time we move on.

I think what the majority leader has outlined, in consultation with me, is extremely good; that we are going to finish this bill next week. And no one has been jammed on time. It has been a hard week also because there have been funerals and events that have taken some of our time, but we have worked our way through that.

I think it would be good for the country that they see we are now legislating. We have had a number of problems earlier in the year. Those are over. And now the leader has said he wishes to pass a couple of appropriations bills before we leave in August. That would set a good tone. The Appropriations Committee met today. That work has been done. The bill is ready to bring to the floor.

So I hope we can move forward. There is a tentative agreement—it is not finalized in any written form yet, but I have worked with the distinguished majority leader now for a couple weeks. There is an issue that is before the country, and that is stem cell research. We are going to try to work out something on that so we do not have a bunch of side issues coming up on the legislation we have. We have had a number of important meetings, and I think we are at a point soon where we can arrive at some way to dispose of this at a time certain.

We have other issues that we have talked about—the Hawaiian issue and China. These are all in the RECORD that we have to bring those up at a specified time. So we have our plates full. And I would acknowledge we probably might have to do some of this next Friday.

Mr. FRIST. Mr. President, I thank the Democratic leader. I believe it is pretty clear in terms of the plans: No more rollcall votes today. We will have a pro forma session tomorrow. We expect people to continue today to offer amendments and to bring them forward on Monday as well.

We will have a rollcall vote on the Bolton nomination, to reconsider the cloture vote on the Bolton nomination, at 6 o'clock on Monday. We will complete the Energy bill next week. And then we will turn to the appropriations bills, as we had planned.

Mr. REID. If the Senator will yield, I also think if cloture is going to be filed on this bill, it would be on a bipartisan basis. I think you would have an equal number of Democrats and Republicans signing that cloture motion. And I think that it is really important for this body that we do that on occasion.

Mr. FRIST. That is the cloture motion——

Mr. REID. On the Energy bill.

Mr. FRIST. On the Energy bill.

Mr. President, we yield the floor and do thank our distinguished colleague from New Jersey for his consideration.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the point I was making just a few minutes ago was that we ought not permit States to opt out of this moratorium, this prohibition against offshore drilling because what happens in a neighboring State, whether it is Delaware or Maryland or New York State or Connecticut or Massachusetts, affects what happens in my State very often. The same is true on the Pacific side of things. The same is true for the Gulf of Mexico. You cannot simply say: Let a State do the drilling. They may be more interested in the income than in the protection of the environment. But we are not. I can't emphasize strongly enough the importance of protecting the sensitive marine areas off the New Jersey coast and other coastal States.

For more than two decades, both Democratic and Republican administrations have respected the moratorium on leasing and preleasing activities on the Outer Continental Shelf. But now we are talking about doing away with this protection. It would be foolish and shortsighted. One only needs to look at the list of accidents at sea and see what happened to neighboring States or neighboring communities not at all connected to the place where the accident happened. We just ought not permit it.

The Department of Interior's Minerals Management Service estimated in the year 2000 that the waters off New Jersey might hold enough oil to supply the country with 10 days of oil. What does it mean in the scheme of things? Ten days of oil and run the risk of destroying marine life and a culture that is associated with coastal States? It is a part of our lives. Heaven forbid that it changes from being part of our daily lives.

Do we want to risk hundreds of thousands of jobs for 10 days? I don't think so. Do we want to risk changing the culture of our society, our coastal society? I don't think so.

The people of my State and the residents of all coastal States do not want oil and gas rigs marring their treasured beaches and fishing grounds. The occupant of the Chair, coming from a beautiful coastal State, tiny though it is, but so much dependent on the sound and the ocean, I am sure understands the risks of having oil rigs out there that could damage the culture of the State as well as the marine life and the ecology. We don't want that to happen. I don't mean to speak for the Presiding Officer, but I know that Rhode Island has similar problems to States such as New Jersey.

Drilling poses serious threats to our environment and to our economy. Drilling requires onshore infrastructure that can harm sensitive coastal zones. The massive amounts of mud it displaces when drills go down into the earth must be dumped somewhere else.

The constant risk of oil spills cannot be minimized.

I was chairman of the Transportation Subcommittee of Appropriations about 15 years ago when the Exxon Valdez ran aground. Because I had Coast Guard in my subcommittee, I took the opportunity to get up to the place where the vessel was floundering within 3 days after it ran aground. It was in some way kind of a mystical allure. You could see the sheen on the water, and it spread with all of its color but all of its menace at the same time. I saw brave people from our Department of Interior and Fish and Wildlife getting off on these tiny islands with helicopters and small boats and taking the birds out and fish and trying to clean them up one by one wherever they could. It was devastating. I visited there at that time. I find out that today, 16 years later, that disaster is still taking a toll on the environment.

When I take my grandchildren to the beach, I don't want them to discover oil underneath a rock, as one still does in the area where the Exxon Valdez ran aground. I don't want them to see birds or mammals sickened by their inability to breathe properly as a result of a coating of oil. I don't want to hear about the coral destruction that provides the nutritional base for our fish and marine life.

The Exxon Valdez spill was one of the largest oil spills we have suffered, and it was only one of many. According to the Department of Interior, 3 million gallons of oil spilled from offshore operations in 73 incidents between 1980 and 1999. It is an average of about four incidents a year, more than 40,000 gallons of oil per spill. That is more than enough oil to ruin a beach town's tourist season for years to come.

We cannot afford to damage our shorelines—and we should not be asked to do it—or the marine life that inhabits our coastal waters. Nature has been good to us. It supplies us with the seas and the water and the land and the mountains. We ought to try as much as possible to keep that intact.

Ending the moratorium in any State completely undercuts the position our Nation has upheld for many decades. It clearly undercuts the stated wishes of coastal States that would incur the

greatest damage. The United States needs new sources of energy. I agree with that. But where have we been in these past years as the consumption of oil increased? Buying it from people who aren't even friends of ours, but who are always asking us to protect them in moments of trouble. And some of those states we know have been accused of and it has been established that they support terrorists who fight against us. Did that cause us to say: Hey, we ought to change things? No. It didn't. We simply said: Get bigger cars and use more gas and let the devil take the high road. It ought not be that way. The United States needs new sources of energy.

Fortunately, our Nation has many energy sources that are vastly underutilized. One of those sources for finding our way out of this mess is to continue to invest in alternative methods for producing energy in universities and research institutes. We can bolster our Nation's energy security without drilling offshore. A day at the beach should mean fun, clean water, natural beauty, not oil slicks or drilling rigs. We need to keep the existing prohibition on offshore drilling in place. That is what Senator CORZINE and Senator BILL NELSON and other Senators from coastal States and I intend to do.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I rise to discuss the Energy bill. Before starting my remarks, I want to once again thank Senator DOMENICI and Ranking Member BINGAMAN for their excellent work on this bill for the last 5 months. It is a source of great pride for me to see my two neighbors from the South, from the Land of Enchantment, working so well together on such an important issue.

I also want to reiterate my thanks to their key staff, Alex Flint, Judy Pensabene, Lisa Epifani, Bob Simon, and Sam Fowler. Without the work of the staff, we would not have gotten to the point in this legislation where we are today.

I also want to congratulate Senator BINGAMAN and his staff on their successful inclusion of the RPS amendment. They have done this Nation a great favor.

The Nation has a real problem. When I look at the issues that face America today, I believe the two most significant domestic issues facing America, America's families and America's businesses are health care and the energy crisis of America. Today, this Chamber is addressing the challenge of energy.

The problem can be described in lots of different ways, but it is, in fact, an emergency. In the 1970s, our Nation imported about one-third of our oil needs. Many of us still remember then-President Jimmy Carter talking about the OPEC oil embargo and talking about the energy independence of America being the moral equivalent of war. Yet, since that time during the last 30 years, we have seen continuing reliance and dependence on foreign oil so that today 58 percent of the oil we need is being imported. By 2020, we will be importing 70 percent more of our oil. America today consumes one-quarter of the world's oil supplies but has only 3 percent of the global reserves. Currently, OPEC member countries produce about 40 percent of the world's oil and hold 80 percent of the proven global reserves, and 85 percent of those reserves are in the greater Middle East, including countries that are not particularly friendly to the United States: Iran, Iraq, and Saudi Arabia.

Twenty-two percent of the world's oil is in the hands of state sponsors of terrorism and under U.S./U.N. sanctions, and only 9 percent of the world's oil is in the hands of countries ranked ''free.''

We are importing more oil at a time when other growing nations continue to increase their imports of oil, including China, which is exponentially increasing its oil demand and imports. China's oil imports were up 30 percent from the previous year, making it the world's No. 2 petroleum consumer only after the United States, and there is no end in sight in terms of how this nation of 1.3 billion people will continue to import oil from other places around the world.

Experts predict China's large and rapidly growing demand for oil will have serious implications for United States oil prices and supplies. Fully one-quarter of the U.S. trade deficit today is associated with oil imports, and as we have continued to grow on our overreliance on foreign oil, it is incredible for me to take a look at the statistics with respect to American vehicles. American vehicles today get fewer miles per gallon than they did in 1988.

What that tells us is this Nation has not taken the energy crisis we currently have in a series enough fashion. It is an imperative for us to do so, and this energy bill we are considering today in the Senate is part of our response to try to make sure we live up to the challenges we face in America today.

In my view, the answer to the energy crisis we face is that we must do everything we can to set America free from its overdependence on the importation of foreign oil. Indeed, leading American conservatives and progressive organizations, both Republicans, Democrats, and Independents alike, have come forward with a concern about the security and economic implications of America's growing dependence on foreign oil. These groups have formed a coalition called Set America Free. We should embrace the Set America Free agenda as an imperative for America for energy independence and security.

Since most of the oil and the overwhelming source of known oil reserves lie in one specific region of the world, the Middle East, our national security is held hostage to the whims of despotic or increasingly unstable regions. Ominously, the money we pay for foreign oil helps pay for the activities of extremists and terrorists who hate the United States and the West in general. We need only to recall the horrors of 9/11 to know this hatred is real. Even worse, the money pit grows deeper because as the world consumes more oil, that oil becomes more expensive and the money that keeps some of those regimes in place gets more and more concentrated. So America is held hostage in a tighter and tighter grip. There is only one way for us to fix this. America must embrace an imperative of energy independence and security. We have to set America free.

This energy bill, which is a bipartisan bill, is a good first step. This energy bill that is before the Senate takes some very important steps: an important step in energy conservation, which means we will do more with what we have; an important step in embracing a new ethic of renewable energy for the 21st century, which will help us grow our own energy resources in our country; an important step in developing new technologies that will help us address the energy demands of our Nation and, also importantly, balanced development of existing fuel supplies. These are important steps to lead us to the goal of energy independence and security.

I want to review each of those steps briefly. First, conservation. Energy efficiency is the cheapest, cleanest, and quickest way for our country to extend its energy supplies and to begin to tackle the alarming increases in energy prices we have witnessed in the past few years.

This is far cheaper than any other form of energy, and for a good reason. Energy efficiency is not subject to transmission losses, and it is not subject to fluctuations in the price of fossil fuels or the availability of a renewable resource.

The Energy bill contains a number of very good provisions for conservation. It establishes requirements for energy and water savings in congressional buildings so that we in Congress can tell the rest of the Nation that we also will walk the walk on conservation. It establishes new conservation goals on energy measurement and accountability standards for Federal buildings and agencies all over the country. This is significant, for one of the Nation's largest if not the largest landlords is the Federal Government.

It extends the energy savings performance contracts, ESPCs, for 10 years. These contracts are an excellent mechanism by which the Federal Government is guaranteed to save money

and save energy, savings that can be passed on directly to the taxpayers of America.

The program provides private financing of energy-saving improvements for Federal buildings.

The Senate Energy bill also authorizes or extends energy assistance for State programs, such as weatherization assistance, energy-efficient appliance rebate programs, and grants to States and local governments to create more energy-efficient buildings.

The Senate Energy bill also sets energy efficiency standards for exit signs, for lamps, certain transformers, traffic signals, heaters, lamps, refrigerators and freezers, air conditioners, washing machines, dehumidifiers, commercial ice makers, pedestrian signals, mercury vapor light ballasts, and pre-rinse spray valves. The energy portions of this legislation are a strong indication of the direction in which this country has to head, and that is to be more efficient with the fuel resources that are available for us.

Second, renewable energy—renewable energy is a great opportunity for the United States of America in the 21st century. Nothing is more important in this bill than its call for increased use of renewable energy. I am particularly proud of the people of Lamar, CO. Their efforts to produce clean, renewable energy are a great service to the entire Front Range of Colorado. The efforts in Lamar literally keep the lights on.

This morning, in our Denver Post in Colorado, they talked about the town's efforts to make their voices heard on the Senate floor. I assure you, Mr. President, and all of the people in Lamar, we hear you, and we thank you for your support for renewable energy.

The Energy bill directs the Secretary of Energy to compile a detailed inventory of the Nation's renewable energy resources and also establishes a renewable fuels standard. I am proud to be a cosponsor of the renewable fuels standard provision of the Senate Energy bill.

This amendment calls for 8 billion gallons of ethanol and biodiesel to be produced in America by 2012. This amendment is good for America and good for the environment.

Growing our own transportation fuels directly reduces our dependence on foreign oil. It not only reduces our dependence on foreign oil now, it promises to reduce our imports even more in the near future. The production and use of 8 billion gallons of ethanol and biodiesel by 2012 will displace more than 2 billion barrels of crude oil, and it will reduce the outflow of dollars to foreign oil producers by more than $60 billion.

An important provision of this renewable fuel standard is that it provides incentives for the development of cellulosic ethanol. Current methods of producing ethanol have an energy return of about 35 percent, but cellulosic ethanol, which will soon become economically feasible, will provide as much as 500 percent energy return. And once we are at that point, we will be on the edge of a brand new frontier for domestic biofuel production.

Finally, ethanol and biodiesel are good for the environment. Net carbon dioxide emissions from biofuels are lower than from fossil fuels, because the carbon released during combustion was taken out of the air by the agricultural crops in the first place.

Ethanol and biodiesel are both young industries in Colorado, but I believe that these biofuels are essential to our energy future, and the farmers of Colorado believe that they are a key component of that future. And truth be told, I simply like the idea of growing and harvesting our transportation fuels. It seems to me that this is a true way forward for America.

Third, Technology. The energy bill also includes provisions for the development of Integrated Gasification Combined Cycle plants—IGCC, commonly referred to as gasification. Using this technology, we can extract energy from coal in a much more environmentally responsible way than the pulverized coal plants in use today. IGCC significantly reduces mercury, sulfur, and nitrogen oxide pollution. It uses our most abundant natural resource—coal. And it can be used to fake a synthetic natural gas, which means coal can help drive down the price of natural gas. IGCC can also be used to make fertilizer—fertilizer is normally made from natural gas. The fertilizer industry has been shutting its doors in America, and fertilizer prices have been going up ever since our natural gas prices became so high. IGCC also offers modest gains in efficiency today, and the potential for great gains tomorrow. I think that the steps the energy bill takes towards developing IGCC are good ones. And I it comes at a crucial time.

Although the bill contains good provisions to move forward with gasification for electrical energy production, it does not yet have the necessary incentives for reducing gasoline consumption by motor vehicles.

There are about 800 million cars in active use worldwide. By 2050, as cars become more common in China and India, it will be 3.25 billion.

In America alone, two-thirds of U.S. oil consumption is due to the transportation sector.

These two facts alone tell us that we need greater fuel economy.

I do not believe we are doing enough to promote vehicle fuel economy.

The Energy Future Coalition and Set America Free are promoting the idea of a plug-in, hybrid car that gets 500 miles per gallon. Unless you are a multimillionaire, I imagine you—most consumers in America—would go for cars that can go 70, 100—500 miles on a gallon of gas. As revolutionary as it sounds, consider that a significant portion of American driving is done over short distances to and from the store or to and from work. With shorter trips powered purely by electrical batteries, the amount of gasoline conserved in America would increase significantly.

This kind of out-of-the-box thinking, combined with solid technological underpinnings, is exactly what America needs to move us forward.

Already a hybrid plug-in car has been demonstrated at over 100 miles per gallon, nearly 4 times our current national fuel economy. Five hundred miles per gallon is a lofty goal, no doubt. But only by setting high standards can we achieve great results and see progress soar.

Let me address balanced development and non-traditional sources of energy in the bill. To pursue energy independence, we must also work to develop our own natural resources. But this development must be done in a balanced and responsible way.

Over the past 2 decades the Rocky Mountain West, including my State of Colorado, has experienced an incredible boom in natural gas exploration and production. This activity has been centered in Western Colorado, also known as the Western Slope.

The exploration and production taking place on the Western Slope is on public lands as well as private lands. With over 60 drilling rigs operating in our state this month—as many as Wyoming—there is tremendous pressure on our local land and communities.

Responsible development, balanced development, means that some places are simply not appropriate for drilling or exploration. Some places are too pristine to allow the potential environmental damage that comes with fossil fuel development. In Colorado, we have the unique Roan plateau, and I do not believe the top of the Plateau should be opened for drilling.

Colorado is also home to the world's best deposits of Oil Shale from which unconventional oil can be derived. Estimates are that over one trillion barrels of unconventional oil could be recovered from the oil shale in Colorado, Utah, and Wyoming. Even a fraction of that amount would be an important contribution to what must be a national priority: lessening our dependence on foreign oil.

Oil shale development has failed in the past due to technical, environmental and economic problems. If we are to successfully develop oil shale we must follow the principle of sustainability; a marathon, not a sprint. Sustainability will focus on the long-term development of oil shale. The development must take place in cooperation with States and local communities. The development must be based on sound economics. We must make sure we have developed oil shale in an environmentally responsible manner.

I am cautiously optimistic that the future of oil shale will include its contribution to lessening the dangerous dependence of the United States on foreign oil. If we do not rise to meet this opportunity, we will only have ourselves to blame when in the years

ahead we look back and wonder what we might have done better to set America free.

There is a component of the energy challenge we face which must be addressed and on which there will be further dialog in this Senate in the days ahead, and that is the issue of climate change. Climate change is happening. The scientists of America agree that climate change is here and that we must address it. The business community of America comes together with companies such as DuPont and GE. They say we must address this issue. As we move forward in the days ahead to complete our work on the energy legislation, it is my hope that we include provisions that address the issue of carbon emissions and global warming.

In conclusion, let me say that when I think back to the greatest generation of time, just like many of my colleagues in this Senate, I think back to my father and my mother, part of that ''greatest generation'' of World War II, where they knew that anything was possible in America and no challenge was too high or too steep to climb as an American nation. That was truly the unique spirit of the American people.

Today, when we face the crisis we are in with our overdependence on foreign oil and our energy crisis, it requires the same kind of spirit we saw in that generation of World War II. It requires the kind of leadership and courage we saw with people such as Abraham Lincoln, who staked the life of the Nation over the Civil War and resulted in the 13th, 14th, and 15th amendments and forever changed our Nation. It requires the leadership and vision and courage of someone such as Franklin Roosevelt, who could lead us through the Depression and prepare us to win World War II. It requires the leadership of people such as John Fitzgerald Kennedy, who said that we could reach the Moon and we could do it within 10 years. That is the kind of boldness we need in this energy legislation to make sure we get rid of our overdependence on foreign oil and that we set America free, not only for our generation but for generations to come.

I yield the floor.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Colorado for his remarks on energy and for his work on the Energy Committee this year.

The Senator from Colorado is new to the Senate. I have not been here that long myself, but it is refreshing to see him here. I loved it when someone asked, How long have you have been in the United States—12 generations or 13?

Mr. SALAZAR. We were here before the United States was here, so 407 years ago.

Mr. ALEXANDER. So he has the longest lineage—his family does, I believe—of anyone in the territory we now call the United States of America. He has made a terrific contribution on energy. I appreciate his remarks.

We have come a long way in our work on energy over the last couple of years, and while we still have some important differences of opinion—we saw some of those expressed today—they are differences of emphasis, important differences of emphasis. I don't want to minimize that. For my part, I see us moving toward a different way of thinking about how we produce energy in this country. We have gone from having the lowest natural gas prices in the world to the highest. Gasoline prices are too high. We see that despite all of our efforts to reduce our use of oil, we are still importing more oil than we should. So we need to do things differently.

My formula for doing that is largely representative of the bill that was reported 21 to 1. First, conservation and efficiency. I heard the Senator talk about that. Second, new supplies of natural gas, as well as oil try to get the price of natural gas down for farmers, for homeowners, and for businesses. To do that, unfortunately, we will have to import liquefied natural gas for the next few years. Otherwise, we will be exporting jobs. We can either import some gas or export the jobs, one or the other—that is going to be our choice—so we have an adequate and substantial supply of low-cost American-produced clean energy. We then need to aggressively move on nuclear power, and we aggressively need to—and I believe there is a consensus on this—we aggressively need to explore the best technology for clean coal gasification and to make that work best to see if we can find a way to capture the carbon that is produced and put it in the ground. If we are able to do that, we then will have enough clean energy to run this economy and keep our jobs here as well as set an environmentally good example for the rest of the world. I hope that is the path we are on.

I salute the Senator for his contributions.

Mr. SALAZAR. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. SALAZAR. Mr. President, I wish to provide a note of commendation for the junior Senator from Tennessee. We have long known his work as Governor of Tennessee, where he worked hard on behalf of land and water issues. It was through his leadership and the leadership of both Democrat and Republican colleagues on the Senate Energy and Natural Resources Committee that we were able to accomplish what is only seldom done in Washington, DC; that is, the production of a bipartisan piece of legislation that is a very good beginning for energy policy framework for the 21st century. I acknowledge the great contributions to that effort on the part of Senator ALEXANDER and all the members of the Energy Committee. I thank the Senator.

I yield the floor.

Mr. CORZINE. Mr. President, I first thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, as well as both of their staffs on the Energy Committee for all of their hard work on preparing an energy bill. Their leadership has allowed tbe Senate to come together to develop a comprehensive energy policy that is paramount to our Nation's future national and economic security.

With reservation on some issues, I supported the Energy Committee bill.

I rise today to speak about one of those particular issues—one of great importance to the people of New Jersey—the threat of oil and gas drilling off the coast of New Jersey's 127 miles of shore.

All of my colleagues heard Senator NELSON and Senator MARTINEZ speak on the floor this week about Florida's treasured coasts and how important it is to Florida's environment and economy that its coasts be protected from any weakening of the moratoria on drilling in the Outer Continental Shelf.

My colleagues from Florida should take every step necessary to protect their beaches and coastal waters. As a Senator from a coastal State where tourism is the second largest industry, I, too, will take every step necessary to protect the Jersey shore from any effort to weaken the longstanding bipartisan moratoria on drilling in the OCS.

As I understand it, the chairman and ranking member have both agreed to oppose any amendments that would open up the OCS moratoria in the submerged lands off of Florida's coast.

I am, of course, opposed to any such exemptions from the moratoria, so I am pleased that both Senator DOMENICI and Senator BINGAMAN have also taken that position.

That being said, I find it more than a little disconcerting that the rest of the moratoria on the OCS still remain vulnerable to similar amendments that seek to weaken or destroy the moratoria.

As you may know, protecting the OCS moratoria has been a priority of mine since my tenure began in the Senate.

Along with Senator LAUTENBERG, I introduced the Clean Ocean and Safe Tourism Anti Drilling Act, COAST, in the 107th, 108th and 109th Congresses. This bill would make permanent the moratoria on OCS drilling in the Mid- and North Atlantic planning areas.

I know with certainty the people of New Jersey do not want to see oil and gas rigs off of our coast. As one of the fastest growing regions in the most densely populated State in the country, the New Jersey shore relies on the beauty and cleanliness of its beaches and the protection of its fishing grounds for a huge part of our State's revenue.

The New Jersey Department of Commerce calculates tourism alone generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20

percent of total State employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State.

Any drilling or even the threat of drilling poses a real threat to New Jersey's environment, economy, and way of life. Remember, New Jersey is a State that already holds its own in supporting energy production and refining for the Nation.

We have three nuclear power plants, many traditional power plants, support siting of an LNG terminal, and we are debating wind alternatives. And New Jersey is the East Coast hub for oil refining. We are growing our energy businesses. But risking and exploiting our shore is a step too far.

I am not the only Senator who has concerns about the amendments to this energy bill that would weaken the OCS moratoria. I have been in contact with many coastal State Senators who agree that this bill must not include any provisions that undermine the moratoria.

My concern is reinforced by the inventory provision already included in the underlying bill. I am strongly opposed to this provision and voted against it during committee markup.

I consider this provision a step onto a slippery slope toward the eventual drilling off the New Jersey coast and other areas currently under the OCS moratoria and possibly exposing our beaches and fisheries to unnecessary risks from adjacent locals.

Give the minimal benefit and significant downside of drilling off the coast of New Jersey, I do not believe it is worth threatening over 800,000 New Jersey jobs to recover what the Minerals Management Service estimated in 2000 to be 196 million barrels of oil, only enough to last the country barely 10 days and 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region.

This level of estimated production can in no way be justified.

In comparison, areas off the Gulf of Mexico already open to drilling contain 18.9 billion barrels of oil and 258.3 trillion cubic feet of natural gas.

There are other amendments being floated about which cause even greater concerns with regard to weakening the moratoria. One of these potential amendments would allow States to opt out of the moratoria.

Allowing States to opt out of the moratoria could be detrimental to a State's neighbors—an issue Florida has long understood and argued.

New Jersey's coastline is very close in proximity to other States' coasts.

Tides move across State borders. Fisheries and fish don't recognize State borders. New Jerseyans have more than ample reason to be concerned if a nearby State decided to opt out of the moratoria and allow drilling off its coast.

As you can see, we appear dangerously close to the beginning of the breakup of the OCS moratoria. This should not occur, and I am prepared to fight any amendment promoting a weakening of the moratoria. These actions are as threatening to New Jersey's economy as killing ethanol is for corn growing States.

I am also prepared to fight any amendment that would provide a revenue-sharing incentive for States to opt out of the moratoria. There is much that is good in this bill and many good amendments to be considered, especially those offered by Senator CANTWELL and Senator BINGAMAN.

I have a bipartisan, bicameral Dear Colleague letter from the New Jersey delegation expressing our concern with the inventory included in this bill, as well as these moratoria-threatening amendments I have been discussing. I ask unanimous consent that this letter be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, June 13, 2005

DEAR COLLEAGUE: We are writing to express our strong opposition to a provision in the Senate Energy Bill that directs the Department of Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast.

This provision runs directly counter to language that Congress has included annually in appropriations bills to prevent leasing, pre-leasing, and related activities in most areas of the Outer Continental Shelf.

Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under Section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

In addition, this provision in the Energy Bill would allow the use of seismic surveys, dart core sampling, and other exploration technologies, all of which would leave these areas vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not only to our environment, but to our economy, which depends heavily on tourism along our shore. Coastal tourism is New Jersey's second-largest industry, and the New Jersey Shore is one of the fastest-growing regions in the country. According to the New Jersey Department of Commerce, tourism in the Garden State generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20 percent of total state employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the state.

Considering the minimal benefit and significant downside of drilling off the coast of New Jersey, we do not believe it is worth threatening over 800,000 New Jersey jobs to recover what the Minerals Management Service (MMS) estimated in 2000 to be 196 million barrels of oil, only enough to last the country barely ten days. The MMS also estimated a mean of only 2.7 trillion cubic feet of natural gas for the entire Mid-Atlantic region. In comparison, areas of the Gulf of Mexico already open to drilling contain 18.9 billion-barrels of oil and 258.3 trillion cubic feet of natural gas.

In addition, we will also work to fight against any provision that would allow states to opt out of the OCS moratorium. If a state chooses to opt out of the moratorium, it would be impossible for nearby states to protect their coasts from accidents that could happen as a result of drilling.

We will take every step to oppose any provision that would weaken the OCS moratorium. We ask you to join us in our effort to protect our nation's precious coastlines, marine ecosystems and ocean waters.

Sincerely,

Jon Corzine, Frank B. Lautenberg, Frank Pallone, Jr., Frank A. LoBiondo, Jim Saxton, Robert Menendez, Donald M. Payne, Steven R. Rothman, Bill Pascrell, Jr., Robert E. Andrews, Rush Holt, Chris Smith, Mike Ferguson, and R.P. Frelinghuysen.

Mr. CORZINE. Mr. President, I am also circulating a letter that has already been signed by many coastal Senators and I expect will be signed by additional Senators that expresses our firm resolve that any amendments that threaten the OCS moratoria in any way is unacceptable.

Finally, I have a bipartisan letter here signed by over 100 Members of the House of Representatives stating their strong support for the current legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf. I ask unanimous consent that this letter be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 29, 2005.

Hon. CHARLES TAYLOR,
Chairman, Subcommittee on Interior and Environment, Committee on Appropriations, Rayburn House Office Building, Washington, DC

Hon. NORM DICKS,
Ranking Member, Subcommittee on Interior and Environment, Committee on Appropriations, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN TAYLOR AND RANKING MEMBER DICKS: We are writing to express our strong support for the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the Outer Continental Shelf (OCS). We are deeply appreciative of the leadership your Subcommittee has shown on this issue over the years and hope to work with you this year to continue this vital protection.

The legislative moratorium language prohibits the use of federal funds for offshore leasing, pre-leasing and other oil and gas drilling-related activities in moratoria areas, enhancing protection of these areas from offshore oil and gas development. As you know, in 1990 President George H.W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. As you know, President George W. Bush endorsed the moratorium in his 2006 budget. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

With a renewed interest in developing natural gas and oil on the OCS, we believe it is again imperative for Congress to reaffirm its

authority on this issue. Therefore, we respectfully urge you to include the OCS moratorium language in the fiscal year 2006 Interior and Environment Appropriations legislation. Specifically, we ask you to use the language in Sections 107, 108 and 109, Division E, Department of the Interior and Related Agencies of the fiscal year 2005 Consolidated Appropriations Act (P.L. 108–447). These sections restrict oil and gas activities within the OCS in the Georges Bank-North Atlantic planning area, Mid-Atlantic and South Atlantic planning area, Eastern Gulf of Mexico planning area, Northern, Southern and Central California planning areas, and Washington and Oregon planning area.

Once again, we encourage the Subcommittee to support these important provisions, which represent over 20 years of bipartisan agreement on the importance of protecting the environmentally and economically valuable coastal areas of the United States. Thank you for your consideration of this request.

Sincerely,

Lois Capps, Randy ''Duke'' Cunningham, Jeff Miller, Jim Davis, Michael Michaud, Madeleine Bordallo, Ginny Brown-Waite, Jay Inslee, Frank LoBiondo, Rob Simmons, Mark Foley, Jim Langevin, Ed Case, Jim McGovern, Sherrod Brown, Chris Smith, Dennis Cardoza, Frank Pallone, Jr., G.K. Butterfield, Tom Feeney.

Pete Stark, Robert Wexler, Anna Eshoo, Zoe Lofgren, Katherine Harris, Jerry Nadler, Carolyn Maloney, Alcee Hastings, Mike Honda, Hilda Solis, Grace Napolitano, Mark Kennedy, Brian Baird, Susan Davis, Sam Farr, Clay Shaw, Christopher Shays, Rush Holt, Betty McCollum, Ellen Tauscher.

Barbara Lee, Dennis Moore, Raúl Grijalva, Chris Van Hollen, Rahm Emanuel, Nick Rahall, Loretta Sánchez, Tom Allen, Anthony Weiner, Jan Schakowsky, Brad Sherman, Jim McDermott, Kendrick Meek, Bob Etheridge, Dale Kildee, George Miller, Donald Payne, Tom Lantos, Earl Blumenauer, Maxine Waters.

Wayne Gilchrest, Rosa DeLauro, Nancy Pelosi, Richard Neal, Dennis Kucinich, Ed Markey, Henry Waxman, Michael McNulty, Michael Bilirakis, Jane Harman, Bart Stupak, Robert Menendez, Barney Frank, Lynn Woolsey, Luis Gutierrez, Jim Saxton, Lehtinen, William Delahunt, Peter DeFazio, Mike Thompson,

Juanita Millender-McDonald, David Wu, Carolyn Maloney, Bob Filner, Mario Diaz-Balart, Robert Andrews, Lincoln Diaz-Balart, Xavier Becerra, Howard Berman, Walter Jones, Connie Mack, Rep. Diane Watson, Doris Matsui, Linda Sánchez, Debbie Wasserman-Schultz, Ric Keller, Adam Schiff, Corrine Brown, Jim Costa, Joe Baca, Bill Pascrell, and Eliot Engel.

Mr. CORZINE. Mr. President, these letters indicate the bipartisan, bicameral support to protect the current OCS moratoria. Moving in the direction of ending the moratoria will bring unnecessary opposition to the overall objective.

Residents of coastal States should not have to fear the specter of oil rigs off their beaches. Again, I thank the Chair and ranking member for their leadership on the bill, and I look forward to working with them. I hope they will join me in protecting our precious coastlines.

MORNING BUSINESS

Mr. ALEXANDER. I ask unanimous consent that there now be a period for morning business with Senators permitted after I speak for up to 10 minutes each.

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

Mr. ALEXANDER. I also ask unanimous consent that I may bring in a few boxes of regulations about which I am going to speak on higher education.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1261 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Kansas.

WOMEN IN IRAN

Mr. BROWNBACK. Mr. President, a big event is taking place in another country tomorrow. The Iranian elections are going to take place for the presidency and leadership in Iran. This is a bogus election. The people of Iran are not having a fair choice. A number of people are calling for a boycott of elections in Iran, which is unusual for us but not for them, because the whole slate of those who have been nominated has been selected by the ruling council of Iran.

If you were even going to be on the ballot, you had to have been selected by the ruling council. So there may be eight people running for president; some have dropped out, others added in. They all had to be appointed, actually, to be candidates.

I wanted to draw this point to the body that there is not just a nuclear crisis going on in Iran; there is a human crisis that is taking place in that country. These elections that will be reported on are not elections. They are appointments that are taking place. It is in many respects a fairly porous society, and yet there are severe restrictions placed on freedom of speech, on press, assembly, association, and religion.

The U.S. Commission on International Religious Freedom has concluded that ''the government of Iran engages in or tolerates systematic, ongoing, and egregious violations of religious freedom, including prolonged detention and executions based primarily or entirely upon religion of the accused.'' I just met with members of the Ba'hai faith who talked about the severe persecution of the Ba'hai in Iran.

But the specific item I wanted to point out even prior to this election is the gender apartheid that takes place in Iran. I received this recently from the Alliance for Iranian Women.

The State Department has reported that the testimony of a woman in Iran is worth half that of a man in court. The blood money paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country.

In his book, Ayatollah Khomeini requires that young girls should be married before they reach the age of puberty. A woman does not have the right to divorce her husband, but a man can divorce his wife anytime he wishes and without her knowledge. A man is allowed to marry four wives and have as many temporary wives as he wants and may end the contract at any time with a temporary wife on a temporary marriage. Temporary marriage is often viewed as the Islamic Republic's way of sanctioning male promiscuity outside of marriage. Mothers do not get custody of their children when husbands divorce them. A widow does not get the custody of her children after the death of her husband. The children will be given to the parental grandparents, and the mother has no right to visitation. If the husband has no family, the mullah of the community takes custody of the child. Daughters get half the inheritance than that of their sons.

I point this gender apartheid out because when I heard about it, I was stunned. I wanted other Members of the body to realize this is taking place.

The greater focus of what is taking place in Iran has been primarily on nuclear weapons development. But there is a humanitarian and a human crisis and certainly a human rights crisis in that country.

I have come here shortly before the Iranian presidential elections. These elections hold no hope of change for the people of Iran. They are elections that will be boycotted and protested, and they are elections that have been manipulated by the supreme leader and the council of guardians. Just last week women in Iran staged a sit-in to protest the disqualification of women from running in the elections.

The people of Iran want change. That change will not come through these elections. But it will come through internal, strong demonstrations, and it will come through strong international support for the very people who protest and boycott these elections.

Iran has a young and vibrant base that, with the support of the international community, could promote major change in Iran and the region. I encourage the Iranian-American community to unite, build strong coalitions to further promote democracy and fundamental respect for human rights in Iran. I encourage this body to support democracy building, civil society building in and for Iran.

I encourage other Members to continue to speak up on behalf of the oppressed in Iran and voice strong support for the people who so desperately want to see democracy flourish.

This is a key issue and a timely one. These elections are taking place soon. People need to know this is a bogus set of elections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, may I inquire of the Presiding Officer of the order to speak as in morning business for about 10 minutes.

The PRESIDING OFFICER. The Senator is informed that we are in morning business. The Senator is recognized for up to 10 minutes.

GUANTANAMO

Mr. WARNER. Mr. President, yesterday, apparently, on the floor of the Senate and elsewhere, certain statements were made with regard to the American service personnel serving in Guantanamo. I am now paraphrasing what was reported in the Washington Times of June 16, when it is alleged that in this article on the floor of the Senate, this statement was made:

> If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of prisoners.

Mr. President, as you can see by this shock of gray hair, I have lived now these 78-plus years, and I remember these periods of history that were cited on the floor of the Senate yesterday very well.

I see the leader standing. Does he wish to be recognized?

Mr. McCONNELL. Mr. President, I say to my friend from Virginia, I was inclined to ask the Senator a question, if it will not interrupt his train of thought.

Mr. WARNER. Not at all.

Mr. McCONNELL. I was listening carefully to my friend from Virginia, and I gather one of our colleagues equated what happened in Guantanamo to Pol Pot or some equivalent of that. My recollection—I just ask the Senator from Virginia if his recollection is similar to mine—Pol Pot murdered 1 to 2 million of his fellow countrymen.

Mr. WARNER. Mr. President, the Senator is correct. In World War II, with which I was going to commence my remarks in that context, I served at the very end. As a 17- or 18-year-old sailor, I was simply in a training command, but I remember that period of history very vividly.

All through my early years, prior to going into the Navy, late in the fall of 1944 and starting active service in 1945, the whole of this country was consumed with that frightful conflict in which, at the hands of Nazis, some 9 million people perished, 6 million of whom were of the Jewish faith. It is just extraordinary.

I was deeply disturbed by these comments to try to draw any analogy whatsoever to that period of history.

Then, following the Soviet gulags, I served as Secretary of the Navy during the height of the Cold War for some 5 years in the Pentagon and actually had a great deal of work with the Soviet Union at that period of time in the context of that threatening situation of the Cold War.

There is just no relationship to this. I was astonished. I did not want to let the Sun go down on this day without conveying to the Senate my own historical perspective and the danger that loose comments such as that—comparisons which have no basis in history—could do harm to the men and women serving wherever they are in the world today in this war on terrorism because this is the type of thing that is picked up and utilized by press antithetical to the interests of the United States and distorted in their own way.

It has to be addressed. I was prepared to do that.

Mr. McCONNELL. Mr. President, may I ask the Senator one other question?

Mr. WARNER. Yes.

Mr. McCONNELL. The Senator from Virginia mentioned the gulags in the Soviet period. It is my recollection—correct me if I am wrong—that up to 20 million people were murdered during that period from 1930 to 1950.

Mr. WARNER. Yes. I do not have the accurate figures. I know Stalin had purged part of his country for no other reason than he just wanted to get rid of the people by the millions. The gulags came into focus primarily during the latter chapter of the Soviet Union when people disappeared by the tens of thousands into these encampments, never to be heard from again. It is not a chapter which Russia today looks back on with any pride at all.

I feel every day that I get up, and I hear of the casualties of our brave men and women, be they in Afghanistan, Iraq or occasionally in other areas of the world—I say what is it that we can do in this Chamber, what is it that we, as citizens, can do to bring them home safely? They are making enormous sacrifices together with their family to go into harm's way to protect us here at home from the threat of terrorism.

Mr. McCONNELL. Mr. President, I thank my friend from Virginia for clearing up any notion anyone might have that anything the United States is involved in, in incarcerating prisoners, would be in any way related to experiences such as those carried out by the Nazis or by the Russians during the Stalin period.

Mr. WARNER. I feel very strongly about that. I really feel so strongly, I say to the distinguished leader of our party, that I feel apologies are in order to the men and women of the Armed Forces. I do not ask it for myself. But I feel these young men and women, all of whom are volunteers, all of whom have gone into harm's way and who are bearing the brunt of the present conflict, that these allegations have absolutely no basis in fact with history. I regret they occurred.

I yield the floor to anybody who wishes to question me or I will continue.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DURBIN addressed the Chair.

Mr. MARTINEZ. Mr. President, I wish to ask the Senator from Virginia a question relating to this.

I also was troubled by the comments. I was troubled by the fact that there seems to be no proportionality between the abuse of the civilian population in a systematic way versus the detention of combatants in a very different sense, in a different way.

I think the proportionality is important to be kept in mind. I had earlier last week made some comments of my concerns about Guantanamo in which I wondered if it was serving our public diplomacy, our long-term interests. However, I do know that the treatment, having been there, is appropriate as to the detainees.

I used to be mayor of Orange County, and I know the conditions under which the prisoners in the Orange County jail, which was terribly overcrowded, at times would be sleeping on mattresses on the floor, and situations such as that.

Having visited both facilities, the detainees at Guantanamo seem to have a much better day-to-day living situation, and certainly I saw no evidence of any systematic abuse.

So while I had raised some questions about the long-term advisability of our public diplomacy interests, I do want to make clear I do not in any way believe there is mistreatment of our detainees, that the detainees must continue to be detained given the threat they present to our U.S. citizens, and I most of all want to make clear that what I saw from our Armed Forces personnel who are looking after these detainees was tremendous dedication and caring. I believe their sacrifice, in a place far away from their homes, dealing on a daily basis with very difficult and unsavory people who are not related to an armed force, people not connected with a military that has been trained or fights under a given flag, and they have been labeled as enemy combatants, is a far different situation than that which can be portrayed by any suggestion of systematic abuse or even the loss of life, as would be associated with Pol Pot.

Mr. WARNER. Mr. President, I say in response to the Senator's question that yesterday afternoon the Secretary of Defense, Mr. Rumsfeld, came over to my office—we frequently visit each other in our offices. We spent over an hour and a half on a variety of subjects, and we addressed this issue. We discussed his coming up, which he is quite willing to do, for a hearing in the Armed Services Committee.

We are continuing to look into this matter. But let me point out, we are talking about millions of people, as the distinguished Senator from Kentucky said, in the period of World War II,

which I remember very well as a young man and as Secretary of the Navy during the period of the Vietnam era and Pol Pot. There is no comparison. Not one incarcerated individual at Guantanamo has lost his or her life. Not one.

In sharp contrast to those mentioned about facts elsewhere in the history of this world, our Nation should look with pride as to how the Department of Defense has specifically addressed each of the grievances. They have allowed any number of us to come down there. It is in the hundreds who have come down.

There are courts-martial being considered for some at this point in time. In other words, when wrongs are done, we carefully, methodically address them, giving due process to those who are under suspicion for having committed offenses.

Given time, this entire situation at Guantanamo will be spelled out fully to the public. If there are individuals who have done wrong, they will be held accountable.

I come back to the central theme that I have is these young men and women serving all over the world in uniform today and, indeed, members of our diplomatic corps, members of other Government agencies serving in harm's way, we have to think of them when issues are raised such as they were raised yesterday.

I understand the Senator wishes to address a question to the Senator from Virginia.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. I ask unanimous consent that my time may be continued without limitation at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I understand the rules of the Senate, I am supposed to address the Senator in the form of a question, and that makes it impossible for me to make a statement at this point.

Mr. WARNER. Mr. President, I do not wish to create a parliamentary situation that precludes the Senator from expressing himself in any way that he wishes. I understood the Senator was about to ask a question. I will withdraw that. I will finish my statement, if I may, and then I will yield the floor.

To equate actions of the men and women in the Armed Forces, proudly serving in uniform and thereby representing this Government of the United States with regard to their services down there in Guantanamo maintaining the detainees, to the genocidal acts of murder and repression of the Nazis or Soviet gulags or Pol Pot is insulting to our men and women in uniform who are fighting for the safety of all of us at home and, indeed, our friends and allies abroad. To the contrary, completely unlike the repressive regimes of the Nazis—and I was moved to come down here because I think there are only a few of us around who lived during that period of time and were able to fully absorb the frightful consequences of that worldwide conflict. We had 16 million men and women of the U.S. military in uniform at that time. I just think that there is absolutely no comparison to what that chapter of history brought upon mankind by means of death to this situation we have, which is under investigation.

I was assured by the Secretary of Defense—I did not need the assurance because I knew it would be the case—that we will account for any wrongs that have been done under the due process of our system. The Department of Defense and others have investigated this situation and made known a series of facts at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my staff contacted me to alert me that several of my colleagues had come to the Senate floor to address statements that I made on the floor on June 14, 2005. Those statements related to the treatment of prisoners at Guantanamo. The statement I made involved an FBI report, a report which has been uncontroverted and one which I read into the RECORD in its entirety. I said at the beginning when I read it into the RECORD that I did so with some hesitation because it was so graphic in its nature, but I felt that in fairness, so that the record would be complete, I had to read it.

Because there have been allusions made to statements made by me, I believe it is appropriate to read it again so that my colleagues who may not have reflected on it will have a chance to do so. Let me read this report from an agent of the Federal Bureau of Investigation about the treatment of a prisoner at Guantanamo Bay. I hope my colleagues from Kentucky, Virginia, and other States who are following this debate will listen to this and then listen to what I said in the RECORD afterwards so they understand the context of my remark. It has been nothing short of amazing what some elements of media have done with this remark and what some of my colleagues have drawn from this remark today. So I want to read it in its entirety, if my colleagues have not, and I want them to hear it in its entirety before they reach conclusions as to what was intended.

I quote from the RECORD of June 14, 2005, page S6594 of the CONGRESSIONAL RECORD:

> When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report.

This is a quote:

> On a couple of occasions—

Let me underline that, on a couple of occasions—

> I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

And then I said:

> If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

I have heard my colleagues and others in the press suggest that I have said our soldiers could be compared to Nazis. I would say to the chairman of the Armed Services Committee, I do not even know whether the interrogator involved was an American soldier. I did not say that at any point. To suggest that I am criticizing American servicemen—I am not. I do not know who was responsible for this, but the FBI agent made this report. To suggest that I was attributing all of the sins and all the horrors and barbarism of Nazi Germany or the Soviet Republic or Pol Pot to Americans is totally unfair. I was attributing this form of interrogation to repressive regimes such as those that I noted.

I honestly believe that the Senator from Virginia, whom I respect very much, would have to say, if this, indeed, occurred, it does not represent American values. It does not represent what our country stands for. It is not the sort of conduct we would ever condone. I would hope the Senator from Virginia would agree with that. That was the point I was making.

Now, sadly, we have a situation where some in the rightwing media have said that I have been insulting men and women in uniform. Nothing could be further from the truth. I respect our men and women in uniform. I have spent many hours, as I am sure the Senator from Virginia has, at funerals of the servicemen who have been returned from Iraq and Afghanistan, writing notes to their families, and calling them personally. It breaks my heart every day to pick up the newspaper and hear of another death. The total this morning is 1,710. To suggest that this is somehow an insult to the men and women serving in uniform—nothing could be further from the truth.

It is no credit to them or to our Nation for this sort of conduct to occur or for us to ignore it or in any way, shape, or form to condone it. And understand why we are in this situation. We had a rule of law. We had agreed to the Geneva Conventions. We had agreed to policies relative to torture of prisoners. They were the law of the land. The Bush administration came in after 9/11 and said: We are going to rewrite the rules.

Secretary Rumsfeld, to whom the Senator referred, who visits his office, was party to that conversation about how we were going to treat prisoners differently. When the suggestion was made to this administration to change the rules on interrogation of prisoners, the strongest and loudest dissenter was the Secretary of State Colin Powell, former Chairman of the Joint Chiefs of Staff, who came to this administration and said: This is a mistake, to change the rules of interrogation.

Why? Because, he said, when you torture a prisoner you will not get good information. They will say anything to stop the torture. And, second, he said, if we change the rules at this point in our history, sadly it is going to just give solace to our enemy, give them encouragement that somehow the United States is backing away from its traditional values.

Those are not my words. They are a characterization of the words of one of the highest ranking members of the Bush Cabinet, former Secretary of State Colin Powell.

Unfortunately, he was right. That decision by the Bush administration, with the support of Secretary Rumsfeld, led us down a road. I hope that that road does not include any more incidents than the one that has been described here. But to say that the interrogation techniques here are the kind you would expect from a repressive regime, I do not believe is an exaggeration. They certainly do not represent the values of America. They do not represent what you risked your life for, Senator, when you put the uniform on and served our country or when you served as Secretary of the Navy or in your service in the Senate. That doesn't represent the values that you stood for or that any of us should stand for.

That was the point I was making. To say that by drawing any kind of comparison to this outrageous interrogation technique and using the words ''Nazi'' or ''Soviets'' is to demean or diminish all of the horrors created by those regimes is just plain wrong.

I have seen firsthand, as you have too, people who survived that Holocaust. I have visited Yad Vashem, the tribute to the people who died in the Holocaust. I understand that the millions of innocent people killed there far exceed the horror that occurred in Guantanamo. But when you talk about repressive regimes doing things that in history look so bad, I am afraid that this that I described to you falls closer to that category.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. DURBIN. I will be happy to yield for a question.

Mr. WARNER. You are reading from a report of one of our investigative agencies. There is no verification of the accuracy of that report. You take it at face value. I pointed out—and I discussed it with Secretary Rumsfeld—this allegation of the FBI agent, together with a lot of other facts, is now being carefully scrutinized under our established judicial process.

I trained as a lawyer and many years as a prosecutor and dealt with the Bureau. I have the highest respect for them. But I do not accept at face value everything they put down on paper until I make certain it can be corroborated and substantiated.

For you to have come to the floor with just that fragment of a report and then unleash the words ''the Nazis,'' unleash the word ''gulag,'' unleash ''Pol Pot''—I don't know how many remember that chapter—it seems to me that was the greatest error in judgment, and it leaves open to the press of the world to take those three extraordinary chapters in world history and try and intertwine it with what has taken place allegedly at Guantanamo.

I am perfectly willing to be a part of as much of an investigation as the Senate should perform and will in my committee. But I am not going to come to the floor with just one report in hand and begin to impugn the actions of those in charge, namely, the uniformed personnel, at this time. We should allow matters of this type to be very carefully examined before we jump to a conclusion.

Mr. DURBIN. If I can respond to the Senator from Virginia, I do not have a copy with me—perhaps my staff can give it to me—of the memo from the FBI.

Mr. WARNER. Could we inquire of the Senator as to the use of this memo on the floor? Is that consistent with the practices of this body as regards—

Mr. DURBIN. I would say this memorandum was not obtained from any classified sources.

Mr. WARNER. I do not know how it came into your possession.

Mr. DURBIN. May I say to the Senator from Virginia what we are dealing with, in terms of these interrogation techniques, was disclosed in a letter, as I understand it—let me make certain I am clear—to General Ryder, on July 14, 2004, almost a year ago—almost a year ago. I have not heard a single person from this administration say this is in any way false or inaccurate. Certainly, if it were, we would have heard that, would we not, long ago?

Mr. WARNER. I ask the Senator, is it to be treated as a public document or is it part of an investigative process which—ordinarily the materials used in the course of an investigation are accorded certain privileges.

Mr. DURBIN. I say to the Senator from Virginia, I was informed by my staff this was released by a Freedom of Information Act disclosure by our Government.

Mr. WARNER. I thank the Senator.

Mr. DURBIN. So I don't believe there is any question about its authenticity in terms of it being a document in the position of our Government. In terms of the content of the document, almost a year has passed since this was written, and if it were clearly wrong, inaccurate on its face, would the Senator from Virginia not expect the administration to have made that clear by now?

Mr. WARNER. Mr. President, my understanding is it is currently under investigation and being carefully scrutinized in the context of another series of documents. Until the administration has had the opportunity to complete the investigation and make their own assessment of the allegations, it seems to me premature to render judgment.

Mr. DURBIN. I would say to the chairman of the Armed Services Committee, whom I respect very much, what I described was the interrogation techniques approved by this administration, in the extreme. There was nothing in this description here, from the agent of the Federal Bureau of Investigation, which was different than the interrogation rules of engagement which had already been spelled out—already spelled out.

So here is what we have. A letter sent to General Ryder almost a year ago, released under the Freedom of Information Act, with specifics related to the interrogation of prisoners which are consistent with the very rules of interrogation which Secretary Rumsfeld had approved in a memo.

So I do not believe that coming to the floor and disclosing this information is an element of surprise. The administration has known it for almost a year. I do not believe there is any question of falsification. The document was presented under the Freedom of Information Act. And it certainly is not, sadly, beyond the realm of possibility because the very techniques that were described in here were the techniques approved by the administration.

The PRESIDING OFFICER (Ms. MURKOWSKI). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

Mr. DURBIN. I will be happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. My concern was not the words of the FBI agent, but the words of the Senator from Illinois. I believe I heard the Senator repeat today—let me ask the Senator if in fact this is what he meant to say—because it was the quote I had from the Senator, not from the FBI agent, earlier yesterday or the day before, which I believe the Senator repeated today. I

was curious if the Senator does stand by his own words, not the words of the FBI agent, which I believe were:

> If I read this to you and did not tell you that it was a FBI agent describing what Americans had done to prisoners in their control, you would almost certainly believe that this must have been done by the Nazis, Soviets in their gulags, or some mad regime, Pol Pot or others, that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

So my question of the Senator is not the words of the FBI agent but the words of the Senator from Illinois. Does the Senator from Illinois stand by these words, comparing the action of Americans in the treatment of their prisoners to the Nazis, Soviets in their gulags, or Pol Pot or others?

Mr. DURBIN. I would say, in response to the Senator from Kentucky, in this particular incident that I read, from an FBI agent describing in detail the methods that were used on prisoners, was I trying to say: Isn't this the kind of thing that we see from repressive regimes?

Yes, this is the type of thing we expect from a repressive regime. We do not expect it from the United States. I hope the Senator from Kentucky would not expect that.

Mr. MCCONNELL. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. MCCONNELL. Is the Senator aware that Pol Pot murdered 1 to 2 million of his fellow countrymen, the Nazis murdered from 6 to 9 million men, women, and children, mainly Jews, and the Soviets, in their gulags, murdered some estimated 20 million people over a 20-year period between 1930 and 1950?

My observation, obviously, is this a fair comparison?

Mr. DURBIN. The comparison related to interrogation techniques. It is clear, and I will state it for the record, that the horrors visited on humanity by those regimes were far greater than these interrogation techniques. But the point I was trying to make was, what do we visualize when we hear of this kind of interrogation technique?

I say to the Senator from Kentucky, I visualize regimes like those described. Did they do more? Did they do worse? Of course they did. The point I was trying to make is, this is not what America should expect. This is not what we should believe reflects our values.

Mr. MCCONNELL. So the Senator thinks this is a fair comparison?

Mr. DURBIN. It is a comparison in the form of interrogation that a repressive regime goes too far, that a democracy never reaches that extreme. But to say that I am in any way diminishing the other horrors brought on by these regimes is plain wrong. Those are different elements completely.

Mr. WARNER. If the Senator will yield, again, I go back on my own recollections, those three examples the Senator used. I don't know what interrogation took place. Perhaps if we go into the sinews of history there were some, but what the world recognized from those three examples the Senator used, they were death camps—I repeat, death camps—where, as my colleague from Kentucky very accurately said, millions of people perished. It is doubtful they were ever often asked their names.

To say that the allegations of a single FBI agent mentioned in an unconfirmed, uncorroborated report give rise to coming to the Senate and raising the allegation that whatever persons of the uniformed military, as referred to in that report—albeit, uncorroborated, unsubstantiated report—are to be equated with those three chapters in world history is just a most grievous misjudgment on the Senator's part, and one I think is deserving of apologizing to the men and women in uniform.

Mr. DURBIN. Let me say this to the Senator in response. I have said clearly in the Senate, and obviously the Senator does not accept it, but I will say it again: There were horrors beyond interrogation techniques committed by those three regimes. That is clear.

But I want to ask the Senator from Virginia, does he even accept the premise or possibility that this happened at Guantanamo?

Mr. WARNER. I would say, Madam President, I served as assistant U.S. attorney for 5 years and dealt with the FBI all the time. I have very high regard for that service. But the Senator knows full well that is just an investigative report by one agent. It is under investigation by the Bureau and by the Department of Defense at this time in the context of many other pieces of evidence.

One cannot come to this great forum, which is viewed the world over as one which is known for trying to assert the rights of this country as taking its place in the world, as following due process and principles of our Declaration of Independence and the Bill of Rights—and comment to the Senate about some young uniformed person who probably is the subject of that FBI report—until such time as that person in uniform is adjudicated in a proper forum as to having done what is alleged in that report, or not done, it seems to me we shouldn't be discussing it in the Senate.

Mr. DURBIN. I might say in response to the Senator from Virginia, I don't know if it is a uniformed person reported in this interrogation. The FBI did not say that. For those suggesting this reflects on our men and women in uniform, I don't know if that is a fact. I don't know if it was, in fact, a member of our armed services. I cannot say that. Nor did I, in my earlier statement, make any reference to the men and women in uniform.

But I will say this: When this type of serious allegation has been in the public forum for as long as this has been, without any denial by the administration, it raises some question as to the fact that the Senator raised, whether it should be taken as truthful or not. And I think it can be.

Now, if facts come out later on and it turns out this is not the case, so be it. I will be the first to concede that in the Senate.

Mr. WARNER. Madam President, the damage has been done. The Senator should have taken the precautionary steps prior to——

Mr. DURBIN. Let me say to the Senator from Virginia, the damage was done when we changed our interrogation policy which allowed for some of the conduct we used to hold to be unacceptable by American standards. That is when the damage was done. That is when Secretary of State Colin Powell said we were crossing a line we should not cross. And we have crossed that line.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. In a hearing yesterday before the Senate Judiciary Committee we heard there is a real controversy within this administration as to whether the people being held in Guantanamo have any rights to due process. The Senator mentioned due process earlier. That is an issue which is being litigated as high as the Supreme Court. The court came to the conclusion that the administration was wrong in the way it is treating prisoners at Guantanamo. They have not accorded them due process as they should have. Many of those aspects are still on appeal and still being debated.

I say to the Senator that to raise these issues in this forum is, frankly, the only place that one can raise them. If we do not raise questions about those interrogation techniques and whether they violate the most basic standards which we have stood by as a Nation, then I don't believe we are responsible in our duties. I don't believe we showed good judgment in ignoring what is happening, what happened at Abu Ghraib, what may be happening, based on this FBI memo, at Guantanamo Bay.

That is part of our responsibility, as difficult as it may be for the administration to accept.

Mr. WARNER. Madam President, the use of the words ''due process'' by the Senator from Virginia was restricted to due process that is taking place with regard to allegations in that report and others according to the actions of either uniformed or civilian personnel under the clear supervision and jurisdiction of the Department of Defense at Guantanamo. That was my use of due process.

It is a separate issue as to the due process of the detainees, the Senator is correct. That is a matter that should be openly discussed, is being discussed, and will be reviewed by this Chamber.

I come back again, and I just conclude—I see there are other Senators waiting to speak—we have to be extraordinarily careful in our remarks in the Senate as they relate to the safety of our people because this series of statements the Senator has made, factual references to chapters of history, can be manipulated by other people throughout the world to their advantage. That is my deep concern.

Mr. MCCONNELL. I have just one final question, very briefly.

Mr. DURBIN. I am happy to yield.

Mr. MCCONNELL. I want to make sure I understand this correctly: Is it my understanding that my good friend from Illinois stands by his own words, because he read them again today, and it is his view that even if this allegation from this one FBI agent were true—and as the Senator from Virginia has pointed out is being investigated—even assuming this allegation from this one FBI agent were true, the Senator from Illinois still believes that could be correctly equated to the treatment by the Nazis, by the Soviets in the gulags, and by the Pol Pot regime?

Is that an accurate description of that, even assuming this one allegation is proven to be true?

Mr. DURBIN. What I have said is, if you were asked, without being told where this might have occurred, as I said here directly in the RECORD, you might conclude that it was done by one of those repressive regimes because that was the kind of heavy-handed tactic they used, the kind of inhumane treatment in which they engaged. You would be surprised to learn that according to the FBI, it was something that occurred at Guantanamo in a facility under the control of the United States of America.

Madam President, let me conclude by saying that I know there is some sensitivity on this issue relating to Guantanamo. I could tell it in the hearing yesterday. I can tell it from the response today. But I continue to believe the United States should hold itself to the highest standards when it comes to the interrogation of prisoners, that we should never countenance in any way, shape, or form, the torture of prisoners we have seen in other countries by other governments in history.

That was the point I was trying to make, and it is a point I still stand by. Secretary of State Colin Powell was right when he criticized the change of the interrogation techniques by this administration and said it does not reflect well on the United States, torture does not produce good information, and that we would pay a price, sadly, in terms of public and moral opinion if we engaged in that kind of conduct. His premonition or his prophecy has turned out to be accurate. That was the point I made.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. It is amazing to me, Madam President, the more the popularity of the President plummets, the more the people downtown try to play this game ''I gotcha.'' Families are attacked, reputations are impugned, bogus, baseless statements are made. The attacks by the very noisy noise machine of the far right never stops, and it has gotten so much more in operation in the last few weeks with the numbers on the President dealing with Social Security, the unpopularity of the efforts made to spend 2 months on judges, five people, basically.

This is all a distraction by the White House. Why? Because this country is in trouble for lots of reasons, only one of which is Iraq. In the last 48 hours, 11 American soldiers have been killed in Iraq. Scores of Iraqis have been killed in the same period of time. I do not know—I do not know if anyone knows—the death and destruction that is taking place in Iraq as we speak. We focus on the dead. The dead American soldiers are on page A26 of the newspapers now. Sometimes they do not even make the front section. We do not know because we are not focusing on the blind, the maimed from that war.

But that is only one of our problems we are not focusing on. Health care: 45 million Americans are without health care. Have we spent 5 minutes this year talking about health care? No. No. We have been spending time on five judges.

Have we spent any time about what is happening in our public school systems around this country? No, not a single minute. The average age of a public school in America is approaching 50 years. The Leave No Child Behind Act is leaving kids behind in Nevada and all over this country.

The environment is something we do not even talk about anymore because global warming does not exist in the minds of the people at the White House.

Do we spend any time here talking about the devastating deficit that is affecting people in my little town of Searchlight and all over the country? No. This administration took over with a surplus in the trillions. We now have approached a $7 trillion debt in this country.

So this is all an attempt to distract us from the issues before us. Rather than spending time on my friend, the distinguished Senator from Illinois, whom I have known for going on 23 years, who has dedicated his life to public service—do we have a problem in this country with the issues he is discussing? Yes. Focus on them, not anything he said. Let's focus on the issues before us.

I would hope it would be worth a little bit of our time here to see what we could do about the Defense authorization bill. Five weeks it has been out of committee—5 weeks. We have our Guard and Reserve that are overwhelmed with responsibilities in that war. We have men and women who are there on duty station as we speak. But we do not have a Defense authorization bill. Why? We always did them in years past. Why? Because we may get an amendment on that bill dealing with what is going on with the subject about which my friend speaks. There may be other amendments that may not be in keeping with the mindset of the White House.

I want the record to reflect I have great affection for the chairman of the Armed Services Committee. He is my friend. He is truly a Southern gentleman, and I care for him a great deal. I am sure he must be frustrated by the fact that the Defense authorization bill is not before us.

But I also have great affection, loyalty, and deep friendship that will be with me for the eternities for my friend from Illinois, who has been such a good friend over all these many years. He is a person who loves to talk about issues, whether it is an issue dealing with energy, as we have talked about here for a few days—the first real substantive issue we have dealt with, really, in a long time on this Senate floor—or whether it is any of the other issues I have spoken about here: the deficit, education, the environment, health care.

Nothing is being talked about. But he cares about those issues deeply. I would hope we can turn down the noise machine downtown a little bit and understand the American people want to focus on issues, issues important to them. They are tired of this ''gotcha'' game because they don't get you; it is just an attempt to divert attention from the issues before this country.

The PRESIDING OFFICER. The Senator from West Virginia.

FATHER'S DAY

Mr. BYRD. Madam President, on Sunday, June 19, the Nation will honor fathers with the celebration of Father's Day. Fathers certainly deserve a day to relax and to put aside for a time the heavy burden of work and worries that they carry. Most fathers are, I believe, great worriers. They feel the pressure to perform. They feel the pressure daily to go forth and to battle in conditions over which they have little control. Yet they feel that they must present to their families a facade of mastery. That is, after all, part of the ''dad mystique''—the desire of fathers everywhere to be seen as the unvanquished protector of the family, the benevolent provider of all good things, the safe harbor against all harm and all fears.

Today's economic conditions worry most fathers, no matter what their current earning prowess. If they are looking for work or to find a better job, recently reported economic indicators keep them awake at night. Housing prices continue to climb. Hiring is weak. Outsourcing and the offshore movement of jobs create heartburn. News that Chinese automobiles may soon be competing for sales in the United States will create a few ulcers, too, I am sure, as hard-working fathers

wonder how they can compete against Chinese workers making only $2 an hour.

Fathers at the upper end of the pay scale are not immune from such nightmares either. They must still worry about corporate scandals that could rob them overnight of their pensions, stock options, and the rising cost of college education. All fathers feel a sense of growing unease about the spiraling deficits, the uncertain future of Social Security, the weakening of America's global competitiveness to the high price of international conflict. What kind of future are they leaving to their children?

On a very personal level, fathers also share common fears. Where are their children? Are they behaving? Are they growing up to be good people? Will the world be good to them in return? I know that fathers, with sons and daughters in the military, carry particularly heavy burdens of worry these days, as well as fathers who are in uniform themselves with families waiting, waiting, waiting and praying for them at home. I hope these fathers know that the prayers of the Nation are with them.

Fathers want the best for their children, which is why they push their children to do their best. To be sure, some fathers have taken this perhaps to unseemly, even dangerous, extremes, as the stories of some ''sports dads'' attest. But most fathers want their children to develop a healthy sense of competition, coupled with fairness, to learn to win and to learn to lose graciously, to foster a sense of perseverance that will stand their children in good stead no matter what field of endeavor they play upon.

Fathers want to encourage a good work ethic. They want to encourage good study habits. They want to encourage the character traits of reliability—according to an old Greek ideal, character is destiny—and dependability, thoughtfulness, and generosity of spirit, traits that will make good students, respected leaders, able employees and, some day, good fathers and mothers.

The best fathers, of course, practice what they preach. Parents are the best teachers, sometimes without ever giving a word of instruction. They teach by the example of their own lives.

My own dad was such a man, the greatest man I ever knew, my dad. He was not my father. He was the man who raised me. But he was the greatest man I ever knew. I have met kings and shahs and Presidents, princes, Governors, Senators. Just that old coal miner dad was the greatest man I ever knew—hard working, God-fearing, generous with the little that he had. He took me in when my mother died, and he raised me as his own.

''It is not flesh and blood but the heart which makes us fathers and sons,'' wrote Johann Schiller. He is right. Titus Dalton Byrd was not my biological father, but he was my dad, pap. He is looking down from heaven right now. He is looking down. And some day I will meet him again. He was my dad.

He encouraged me in my studies. He didn't buy me a cowboy suit. He didn't buy me a cap buster. He bought me a watercolor set, a book, a drawing tablet, and some crayons. He took pride in my accomplishments.

Benjamin West said that he was made a great painter because of his mother who, when he went to her with little drawings about birds and flowers and so on, she took him up on her knee and she kissed him on the cheek. She said: Some day you are going to grow up. You will grow up to be a great painter. And that made him a great painter. He did grow up to become a great painter, made so by a mother's kiss.

So about my old coal miner dad. After a long day at work, he would spend time with me. He talked with me. He listened to me. He watched me recite. He watched me play the violin. He feared for me when I wanted to follow him into the coal mines. He shared his fear; he shared the love that was behind it. He gave me a whipping a time or two. He always told me before he whipped me that he loved me, and it hurt him probably more than it hurt me. That was my dad. He pushed me to do better, to reach higher, to work harder. He didn't want me to have to work in the mines as he did. He gave me pride in him. He never used crude language. I never heard him use God's name in vain in all the years that I knew him—ever.

He never raised a fist in anger. He never treated anyone with anything but courtesy. He was a poor, humble, hard-working coal miner. He took life as it came. He didn't grumble at what was placed before him on the table. He never complained. He never said anything about mom's cooking. He never used bad language, as I said. He carried himself—a poor miner without two nickles at times to rub together—with the quiet dignity of a true gentleman. There was a man. I am proud to share his name. I think that is one of the greatest compliments that any child can give to his or her father—that proud inflection in their voice when they say: This is my dad.

Like fathers everywhere, I delight in their every triumph, from the first breath onward, just as I mourn their every setback and disappointment. In speaking from my own experience, no father ever ceases to worry about his children and the kind of world they are inheriting. That is why I suppose it is whatever hair fathers are allowed to keep turns white.

So on this Father's Day, I remember the old coal miner dad that I had. I could see him coming from the mines. I watched him as he walked down the railroad tracks, and I ran to meet him. As I came near, he put down that dinner bucket he had carried into the bowels of the Earth there in the darkness—the darkness of the coal mine. He put down that dinner bucket and lifted the lid, and he took out a little cake that my mom had put into the dinner bucket, and he always saved the cake for me. He gave me that cake. Yes, he took the cake into the mine, but he didn't eat the cake. He always saved the cake for me.

So on this Father's Day, I wish I could tell fathers across America to relax and enjoy the day, to sleep well, basking in the love and affection of their families. I wish I could, but I know they are still worried. That is what a father does.

Madam President, I close with a bit of verse that I memorized as a little boy. Over the years, I have come to appreciate its lesson more and more. I am sure that old coal miner dad knew it, too, for he lived with simple wisdom. It is called ''The Little Chap Who Follows Me.''

A careful man I ought to be,
A little fellow follows me,
I do not dare to go astray
For fear he'll go the selfsame way.

I cannot once escape his eyes,
Whate'er he sees me do, he tries;
Like me, he says, he's going to be,
The little chap who follows me.

He thinks that I am good and fine,
Believes in every word of mine.
The base in me he must not see,
The little chap that follows me.

I must remember as I go,
Through summer's sun and winter's snow,
In building for the years to be
The little chap who follows me.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

FATHER'S DAY

Mr. KYL. Madam President, first, I have been here for most of the remarks of the senior Senator from West Virginia, who has this evening caused me to reflect on my father on this Father's Day. I am sad to say that my father has now passed on, and that fact has caused me to think about things I probably should have thought a lot more about before he left. But it is good to be reminded of the qualities we look for in fathers and in our fathers, those who have led the way for us, and that as Father's Day approaches, I join my colleague from West Virginia in suggesting that we would all do well not only to think back on our fathers and set a good example but to think about what makes a good father in everything we do, and in whatever our roles are, to try to follow those precepts. I appreciate the important words spoken by the Senator from West Virginia.

Mr. BYRD. I thank the Senator from Arizona.

Mr. FRIST. Madam President, I want to take a few moments to reflect on an important holiday coming up this weekend—Father's Day.

On Sunday, families across America will celebrate their dads with lunches

and dinners, homemade gifts, and, if my family is typical, some gentle teasing. It is a day we show our gratitude, and we remember how important our dads are in our lives.

I was very close to my dad, and I cherish my memories of him.

When I lived in Nashville, I used to drive by my parents' house everyday on my way to work. And everyday, no matter where I was, I would call to touch base and say hello.

My father was a man of extraordinary kindness and generosity. He was known throughout the community for his good works.

Before he died, he wrote a letter to his grandchildren, passing on his humble wisdom collected over a lifetime. In it, he told them:

''Be happy in your family life. Your family is the most important thing you can ever have. Love your wife or your husband. Tell your children how great they are. Encourage them in everything they do.

''Be happy in your community. Charity is so important. There's so much good to do in the world and so many different ways to do it.''

He also wrote that,

''I believe that life is made up of peaks and valleys. But the thing to remember is that the curve is always going up. The next peak is a little higher than the previous peak, the next valley isn't quite so low.

''The world is always changing, and that's a good thing. It's how you carry yourself in the world that doesn't change—morality, integrity, warmth, and kindness are the same things in 1919 when I was born, or in 2010 or later when you will be reading this. And that's a good thing, too.''

I have worked hard to live up to his high ideals and the sterling example he set before us. And I have worked hard to instill these values in my own sons Bryan, Jonathan and Harrison. If I have half succeeded, that is a very good thing.

As we celebrate our fathers this weekend, I also encourage everyone to reflect on the importance of fathers to the social fabric.

The National Fatherhood Initiative, a non-profit devoted to promoting responsible fatherhood, reports that today's fathers are more present in their children's lives than ever. Dads in two-parent families spend more time with their children than the previous generation of dads. Research also indicates that today's fathers are more active and more nurturing.

And it has a big impact.

Children with involved, loving fathers—as compared to children without—are more likely to do well in school, have healthy self-esteem, show empathy, and avoid drug use, truancy, and criminal activity. The bottom line is kids do better when their dads are around. For a while America forgot just how important dads are, but now we know in our heads what we have always known in our hearts.

So, this Father's Day, we salute them. Dads on the front line who risk their lives for our freedom. Dads on the home front who go to work everyday to support their families. America honors you as everyday you honor us.

STATEMENTS REGARDING GUANTANAMO

Mr. KYL. Madam President, one of the things I remember that my father taught me—and it has stood me in good stead, though I have not always followed the advice—is to have strong convictions but always to deal in moderation and be reasonable in your approach, to listen to other people and try to be responsible in what you say. In all things, moderation would have applied to the advice he gave me frequently. Again, not to say one should not have strong views, but you can be more effective in communicating those views if you treat people decently, if you listen to what they have to say, and if you express your own views with a degree of humility and moderation. That is something that, sad to say, even in my relatively short time in the Congress, I have seen adhered to, sadly, less and less.

Certainly, the Senator from West Virginia sets a standard for all of us in the way that he treats this body, the revere he has for the institution and, therefore, the care he takes to deal in this body in an appropriate and responsible way, in the great tradition of the body.

I mention that because the coarsening of our language, I suppose, can be expected to be manifested first in the political environment. It certainly has occurred with increasing intensity over the years, though, not just in political campaigns but even on the floor of the Senate and engaged in by colleagues in the Congress as well as pundits and others.

Strong subjects sometimes evoke strong emotions, and perhaps that explains why some of the rhetoric surrounding the discussion of our detention of enemy combatants at Guantanamo Bay has reached such a high-pitched level, to such a high degree of hyperbole and exaggeration—I daresay, in some cases, irresponsible characterizations.

If this were simply a matter of political rhetoric and partisan politics, I suppose that in some senses it could be excused, though it is not helpful. But here the consequences of such language, this over-the-top kind of rhetoric, can actually be detrimental to the effort of the United States that all of us support—certainly to the people we put in harm's way, our men and women in the military, and the other services that are helping us to fight the war on terror.

This is why it distresses me to hear the characterizations of American activities and Americans as being equated with some of the worst actors in the history of mankind—phrases thrown around, apparently, somewhat thoughtlessly, without due regard for the consequences, when enemies of the United States seize on the flimsiest of things to take to the streets and riot and kill each other.

The unfortunate reporting of Newsweek Magazine—which turned out not to be true—regarding desecration of the Holy Koran caused Muslims in the world—thousands and thousands—to riot and cause harm to each other. I believe there were at least three deaths that resulted, if I am not mistaken. Words have consequences, and when Americans speak in irresponsible terms about the actions of Americans who are simply trying to do their best in trying circumstances, in ways that denigrate their motives, denigrate their actions, and that call into question the entire character of America, because of these actions, it is irresponsible. And it should not be engaged in, especially it should not be countenanced by Members of this body or the Congress, certainly not engaged in by leaders in this body. Yet, sad to say, we all have heard in the last few days this kind of language.

I will get back to that in a moment. Let me go back and try to provide some perspective about this entire debate about Guantanamo Bay.

Guantanamo Bay is a place where the United States Government has had a lease from the Cuban Government for a long time and spent about $150 million to build a prison facility to house many of the people who had been detained in the war on terrorism, primarily people who were on the battlefield in Afghanistan, there being no facilities adequate in Afghanistan.

It is a place that was designed to be able to accommodate people of different cultures. It is significantly managed by Americans who have a significant degree of medical background and training in the culture of Islam in order to ensure that the people there are treated as humanely as possible under the circumstances and with due regard for not only their human rights but their faith as well.

This country need apologize to no one in the way that over the years we have tried to adhere to human rights standards and treat people of faith appropriately. Certainly the stories—and I say ''stories'' because in most cases, they are mere allegations that are untrue—of treatment of people at Guantanamo Bay have raised the interest of Americans because we are a people who instinctively pull back from such kind of conduct. We do not want to be even against terrorists engaged in inhumane activity. That is why these stories have such resonance.

Yet this facility, which takes care of these people in some respects even better than the troops there—in terms of the sleeping quarters, meals, and so on—this facility is as good, I think, as any prisoner of war facility in recent memory and certainly with the attention of the media, the International Red Cross, visits by American officials—there have been thousands of visits. It is a very wide open facility in that sense.

With all of this attention, I think the very small number of specific complaints that have been investigated and found to have any merit at all—something like five in number—is a testament to the commitment of the United States to adhere to standards of decency and humanity when dealing with people.

Who are these people? These are the worst of the worst. We do not have the time or the ability to round up people and hold them for the sake of it. It is too costly. Over 10,000 people have been captured in this war against the terrorists. Something like 520 are at Guantanamo Bay. These are the people who are the bombmakers, the bodyguards of Osama bin Laden, the financiers, the plotters, the people who have been sent out to be assassins, to be suicide bombers. These are the worst of the worst, the killers who, if let go, will return to their killing.

Since the detentions at Guantanamo Bay, the United States Supreme Court has said there is one right that these detainees have, and that is a right to have their status determined, even through a habeas corpus petition, which in the United States means a right to have questioned the appropriateness of your being detained. The Supreme Court did not hold they have a right to a trial, that they have a right to be charged with anything, that they have a right to a particular kind of legal proceeding. Simply, they have a right to have their status reviewed by an appropriate tribunal.

And since then, their status has been reviewed, every one of them. There is a process by which it is reviewed annually to determine whether they not only are still appropriately held, but whether they need to be held, whether they pose a threat.

In this period of time, a dozen of these detainees—many were released, something like 200, as I recall—a dozen have already been recaptured on the battlefield. They went right back to killing Americans.

This is why prisoners of war are detained when captured, and it has thus been throughout modern history. In World War II, for example, we have all seen the movies and read about the internment camps of Germans and Japanese and, of course, the way Americans were held as POWs as well. With the rare exception of the people at the very top of the Nazi Government and a few of the Nazi generals, the German POWs were not charged with crimes or tried for those crimes. They were simply held in these camps until the end of the war.

A couple of these camps were in Arizona. I know an Arizona physician who went through one of these camps, I believe in Nebraska. When he got out, he decided he liked America a whole lot and became a renowned physician in Phoenix. These were places that people were held until the end of the war so they could not go back to fighting against Americans. That is precisely the primary purpose of Guantanamo Bay.

For the worst of the worst, the people we do not want to go back fighting against us or committing terror against anyone else, we have to have a place to detain them.

I must say, in a debate with the senior Senator from Vermont last night on television—and he and I disagreed generally about this issue—he acknowledged this is not about Guantanamo Bay. As he said, we have to have a place to hold these people, and I agree with that proposition. Some have even suggested we close this brand-new facility. If you close it, where are you going to put them? Would you like to take one of the military bases that is being closed in your State and make it available for these detainees? Maybe that is the place to detain them. I do not think so.

The issue is not closing Guantanamo Bay. I think it is, frankly, criticism of the American Government and leaders of the American Government. Some people do it for partisan political purposes. Others do it, to bring down certain people. Others, frankly, have a disregard for this country and are quick to criticize almost anything we do.

But look at some of the specific charges. One of them is these people are being held in limbo. They are not being held in limbo any more than any other prisoner of war or enemy combatant has been held in the past. They are being held until the conflict is over so they do not go back to fighting us again.

Then they demand to know of the general and admiral who were before the Senate Judiciary Committee yesterday when we held a hearing on this: Well, how long are they going to be detained? We demand to know. We do not know how long the war is going to last, Senator. I demand to know. Will it be forever? What if the war lasts for forever, will they be detained forever?

These are pretty silly questions, if you ask me. We do not want to detain these people. We would like not to have to do it. We would like to bring the war to a close, but until it is safe to release them, they are not going to be released, not unless we are going to jeopardize the service people and others who are subject to terrorism. So let's get back to reason and solid logic here.

Another question is, Why are we treating these people possibly a little bit differently than other prisoners of wars have been treated? The answer is they are not prisoners of war. That does not mean we do not treat them humanely and in accordance with the Geneva Conventions.

That is another charge, that we violated the Geneva Conventions. No, we have not. No, we have not. The United States adheres to the Geneva Conventions, and we have not violated them, and we do not intend to. Enemy combatants are not entitled to the protection of the Geneva accords to which prisoners of war are entitled.

The reason for the Geneva accords for the POWs is we want to reward people who adhere to the laws of war. What does that mean? They fight for a country, they wear the uniform of that country, they adhere themselves to the rules of war. In the case of terrorists, that does not apply. They do not fight for a country, they fight for a cause. They do not wear a uniform. They do not fight by the rules of war. They kill innocent people indiscriminately. That is their modus operandi. That is their preferred action.

That is why they are enemy combatants, not prisoners of war. So we would not have to accord them any standards of treatment except that we are the United States of America and we say, and the President has said and Secretary Rumsfeld and everyone else in the Government has said, for the United States of America it is inappropriate to do anything less than treat people humanely, and we will not violate the Geneva accords.

So even though they are not entitled to all of the rights of prisoners of war, there are standards of treatment that have been established and have been adhered to. In the few situations in which there is an allegation that maybe those standards might have been violated in some small way, the people have been held responsible who have violated the standards. I think there have been five cases of dealing inappropriately with the Koran at Guantanamo Bay, not having both hands on it at once or not having a white glove when dealing with a prisoner. It is that kind of violation.

This kind of thing has been compared by some to Pol Pot and Nazi Germany and the Soviet gulag and the human rights abuses that the United Nations complains about each year. These comparisons are not apt. They are not responsible. They are not appropriate. They do not even begin to appropriately describe the kind of conduct that our people have engaged in and the crimes against humanity that were referred to. To even think of them in the same sense is unthinkable.

What about the question about charging them? There is a suggestion they should either be charged or released. Well, this is not a fishing contest. This is not catch and release. This is serious. This is war. When somebody is trying to kill you and you can detain them, you do it. The alternative is, obviously, you kill them. But hopefully you do not have to kill them; you can detain them, and you can put them in a place that, until the end of the war, is safe for them and safe for you.

For those who have committed war crimes, we have the option of charging them with such crimes, and there is a special tribunal set up to try them for those crimes, and they can be tried. Now, there are cases in the courts of appeal right now that are helping to define the parameters of those trials and until that is very clear those will not proceed, but that is the way we will deal with those cases.

So for those that can be tried, obviously we will do that, but that is a very small percentage. There is no point in charging prisoners of war or enemy combatants with anything because the whole point of their being held is to prevent them from going back to war against you.

The final purpose for this detention is intelligence gathering. We have found that human intelligence is the best intelligence and that the highest percentage of human intelligence is the interrogation that has occurred here and elsewhere that has led us to learn a lot about the techniques of the terrorists, their plans, the names of others, and other important information that has helped us save lives. So the point of this detention is to save lives, to keep people from killing us, and to get information that will help us to prevent future killing. That is an appropriate purpose of Guantanamo.

So when people use irresponsible language, when they seem to leap to conclude that the United States must have done wrong simply because a lawyer or some group or a prisoner has alleged abuse—and by the way, remember that the al-Qaida training includes a manual instruction on how to allege that they are being abused as a prisoner, as a detainee. They are supposed to allege abuse, and they do. So let us not jump to the conclusion that any al-Qaida terrorist who alleges abuse at Guantanamo Bay must be right and all of the Americans, from the President on down, must be wrong. I like to put my chances on Americans trying to do the right thing. We will make mistakes, but we will try to correct those mistakes and punish those responsible. In the meantime, I think the benefit of the doubt goes to those people whom we have given a very hard job to do.

To get back to my original point, the use of irresponsible language, irresponsible charges, has consequences. It can hurt those people that we put in harm's way by turning international public opinion against the United States. When responsible American officials make irresponsible charges, all the world listens. When they listen, sometimes they react very badly. It does our cause no good when—as some of my colleagues have said, this is all about winning the hearts and minds of the Muslim world. There is a great deal of truth in that. It does no good in that battle to denigrate our own actions in a way that is calculated to or one must know will inflame the passions of terrorists and others around the world that support the terrorists. It does no good to this ultimate goal of winning hearts and minds to unduly criticize America, Americans and American leaders for actions that are nothing more than what any Nation has the right to do when it captures people who have been engaged in combat or terrorism against it.

I urge my colleagues to keep this issue in perspective, to understand the reason we detain people, to understand the impact of irresponsible language, to tone down the rhetoric, understand that the President and all acting on his behalf are trying their very best to do what we want them to do, and at the end of the day, this is all about winning the war on terror, saving American lives and moving on to a more peaceful world.

Mr. FRIST. Madam President, in the past few weeks a number of allegations have been leveled against the Guantanamo Bay detention center.

There have been some legitimate questions about the treatment of detainees, which is fair and responsible. The United States is governed by the rule of law. And it is proper for the Congress, in its oversight role, to ask the executive branch about such matters and make sure the interests of our constituents and the Nation are being properly addressed.

That being said, in many cases, the allegations that have been made recently have been false, distorted or misreported.

Newsweek, as we are all too familiar, erroneously reported that an American guard flushed a Koran down a toilet. That report, which was later withdrawn, resulted in widespread protests and the deaths of several individuals.

When the facts came out, we learned that, in the 3 years that Gitmo has been in operation, there have only been 5 cases of ''mishandling'' of the Koran by our military staff.

In those few instances where mistakes were made—and people do make mistakes—they were corrected and persons were held accountable.

We also learned that the prisoners themselves had abused the Koran 15 times, in some cases, reportedly, to implicate our soldiers in a religious crime.

Multiple inquiries have found that the detainees at Guantanamo are being treated in accordance with the Geneva Conventions and U.S. law. They are well fed and well housed. They have access to clean showers, Muslim chaplains, and even psychological counseling if they request it.

Some might say they are living in more luxury and safety than our soldiers and marines fighting the terrorists in Afghanistan and Iraq.

Our service men and women in the field usually eat cold, packaged meals; sleep in crude living areas without beds; and often wonder if they will live to see the next day, all in the cause of promoting freedom and democracy and defending our country.

One thing is for sure, the detainees are enemy combatants who were picked up off the battlefields of Afghanistan and elsewhere. They are hardened terrorists and have pledged their lives to jihad, the death of Americans, and the destruction of our country.

They are being held at Guantanamo so they don't kill more Americans, either at home or abroad.

They are being held at Guantanamo so that we can question them, so that we can prevent their colleagues from committing more terrorist acts.

The intelligence we have learned about the terrorists, their networks, their plans, and so on, has been a treasure trove that has saved lives and is helping us win the war on terror.

Personally, I am convinced that Guantanamo is humanely and fairly serving its much needed purpose. And I am also convinced that if we closed the camp, it wouldn't make one bit of difference to the terrorists who hate us and murdered 3,000 innocent American citizens before Guantanamo or the war on terror was ever conceived of.

And it will make no difference to those who have agitated and protested against American policy from the very start.

We can debate whether Guantanamo helps us save lives and win the war on terror. But what I can't stomach are the comparisons being made between Guantanamo and some of the most egregious symbols in the history of mankind.

I am referring to the remarks of Amnesty International officials that compared the U.S.-run Guantanamo to the Soviet gulag.

I am referring to the International Committee of the Red Cross official who reportedly compared U.S. soldiers to Nazis.

And, regrettably, I am referring to a Senate colleague who, this week, called Guantanamo a ''death camp'' and drew parallels to Hitler's Germany, Stalin's gulags, and Pol Pot's killing fields.

This was a heinous slander against our country, and against the brave men and women who have taken great care to treat the captured terrorists with more respect than they would ever have received in any point in human history.

It is reported that nearly 9 million people were killed by Adolf Hitler; about 20.7 million were killed in the soviet gulags from 1929–1953; and over 1.5 million people were killed in Cambodia from 1975 to 1979.

And there is no need to recount the brutal torture and manner in which many of these people died, most of whom, if not all, were innocent people.

Do we know how many people have been killed at Guantanamo? Zero. That's right: zero people.

And yet we have members of this body who have come to the Senate floor to level the most egregious charges, compare our troops to Nazis, and charge the United States with crimes against humanity. To accuse our sons and daughters, who are serving proudly to keep killers from the battlefield, with committing genocide and war crimes is beyond the pale.

It is wrong to make these comparisons; it is wrong to suggest such things. It is unfair to our military; it is unfair to the American people; and it is unfair to this body. This is wrong and it is the worst form of demagoguery.

It is anti-American and only fuels the animus of our enemies who are constantly searching for ways to portray

our great country and our people as anti-Muslim, anti-Arab. It is this type of language that they use to recruit others to be car bombers; suicide attackers; hostage takers, and full-fledged jihadists.

It is darkly ironic that those who want to close Guantanamo for the sake of public diplomacy are themselves wreaking great damage to our public diplomacy by floating outlandish and slanderous allegations.

It has to stop. We can, and should, have serious debates about legitimate policy questions. But comparing our Nation, our Government and our military to the regimes of Hitler's Germany, Stalin's Soviet Russia, and Pol Pot's Cambodia is the height of irresponsibility.

Frankly, I think it demands an apology to our service men and women, and to all others in our Government who are working hard every day to stop the terrorists, prevent attacks on our homeland, and to win the war on terrorism.

We are fighting a war. And young men and women are out in the field, risking their lives. For their sake, the toxic rhetoric must stop.

CMA FESTIVAL

Mr. FRIST. Madam President. Nashville, TN is home to some of the best music in the world. Last weekend, I had the pleasure of being back home during the 2005 Country Music Association Festival—''Country Music's Biggest Party.''

More than 130,000 country music lovers from around the world come to hear their favorite stars perform for the 4-day extravaganza. The energy is electric.

From legendary artists like Kenny Rogers and Dolly Parton, to new talents like Sarah Evans, Rascal Flats, and Gretchen Wilson, more than 400 country music stars perform over 70 hours of music.

Not only are fans treated to the best country music has to offer, they get to meet their favorite stars up close and personal at the Fan Fair Exhibit Hall where performers sign autographs and mingle with the crowd.

This year, fans were treated to the first ever Music Festival Kick-Off parade in downtown, and a spectacular fireworks display, Sunday night, at the Coliseum. In just 4 days, the festival generates more than $20 million for the local economy.

The CMA Festival has become a Nashville institution, joining the Grand Ole Opry and the Ryman Auditorium as symbols of our rich musical traditions.

Nashville's thriving music scene has also attracted another festival called Bonaroo—a 4-day event that brings more than 75,000 music lovers to Manchester, TN. The event showcases a wide variety of music including rock, jazz and bluegrass.

This year, more than 80 bands participated, including: the Allman Brothers; Dave Matthews; and Alison Krauss. In just 4 years, Bonaroo has become America's premier rock festival.

Tennessee is truly a musical mecca. And it has launched some of the biggest careers in music history, including: Elvis Presley; Hank Williams; Johnny Cash; Loretta Lynn; B.B. King; and Garth Brooks, one of the biggest selling popular music artists of all time.

I'm proud and blessed to be from this extraordinary place. And I am proud to be from Nashville, ''Music City USA.''

OBSTRUCTIONISTS

Mr. LAUTENBERG. Madam President, on Tuesday—for the record, today is Thursday—President Bush gave a speech in which he complained that Democrats are obstructionists because we are not accepting his entire agenda.

The President also said that we say no to everything. I listened to him and I watched him on TV. But look at all the things he says no to. President Bush said no to Tony Blair when the Prime Minister was here to ask for more help for Africa, to help with AIDS, hunger, and loan reduction. He said no.

President Bush says no to kids with juvenile diabetes, autism, or other childhood diseases, when they ask to be permitted to do stem cell research to see if we can prevent those diseases from plaguing these youngsters for life.

President Bush said no to parents and teachers who want education fully funded.

President Bush said no to a real Patients' Bill of Rights.

President Bush said no to making polluters pay for Superfund environmental cleanups, a program that has been very successful. I was author of the second iteration of Superfund in 1986. It was a program that needed some time to get going. But now we can look at lots of sites that have been cleaned up and are put to useful purposes that don't threaten children or families who live in the area. President Bush said no to making the polluters pay. He said yes to making the taxpayers pay for the cleanup problems the polluters created.

President Bush said no to getting tough with the Saudi Arabians, so we can really bring down oil prices. The Saudis said no to us when we asked for help in keeping oil prices down. Look what has happened to oil prices. I remember so vividly in the last Presidential campaign, when Senator KERRY challenged President Bush. The thing that came out of the White House—the statement most clearly was: If Senator KERRY becomes President, you are going to see taxes on oil prices. If you want to see taxes on oil prices, just look at what happened. The only difference is these taxes are being paid to Saudi Arabia and other places that are not friendly to the United States. But the public is paying for it. Gasoline has gone from $1.20 to, in some places, $2.50, which I paid recently. I don't hear the President saying no to them when they call and say they want help from us.

And the President calls us the obstructionists? I find that label very interesting. What it means is, if you oppose any of President Bush's policies, you are an obstructionist. Frankly, in a democratic Nation, that is unacceptable. It is a disastrous line of thinking. In my view, if you don't like challenge, then you don't understand democracy. This is not a nation where we have a dictator. There should not be a time when simply because the President of the United States thinks it is a good idea that we avoid debate or challenge that we should. No, not on your life. That is how we get ideas and how we challenge the public in this country to say something about the programs in which we are engaged.

The President says: If you don't like my programs, then you are an obstructionist.

Tell that to the people whose pensions are fading in front of their eyes. Tell that to the people who work 25, 30 years for a company and see their jobs ended, without the prospect of coming anywhere near the salary they were earning. No, he doesn't say no to the people he ought to say no to. The President proposed the other day—yesterday—that the tax rate that has done us so much good is something he wants to make permanent—I wish he would say no to that—so that the wealthiest among us don't go ahead and wait for their airplanes to be delivered after 3 years. If you order a private airplane—a $25 million or $30 million airplane—if you want to buy one, sorry, there is a line. If you want large yachts, 100 to 200 feet, you have to wait 2 years. What a pity it is for those rich guys to have to pay their share of taxes. I am one of those who have been so fortunate in America. I created a business that got to be very big, along with two other friends who grew up in the poor neighborhood in which I lived. I am more than willing to pay more taxes because, if I do that, I have more money left.

I wish the President of the United States would say no to those people and yes to the people struggling to make a living; yes to the kids who cannot afford to pay for college tuition; yes to those people and don't accuse the Democrats of being obstructionists. Saddam Hussein didn't have to worry about obstructionists in his country. He killed them or jailed them. Mr. President, leaders who are free of obstructionists are also known as dictators.

Our constituents elected us to represent them and their viewpoints in the Senate. One thing I knew when I came to this Senate—now over 20 years ago—I wasn't elected by all the Republicans, by a long shot. I am not even sure I was elected by all of the Democrats. But I won. When I stood and took my oath, I never thought once

that I don't have to pay attention to those who did not vote for me—the Republicans, typically. When I won this seat and the responsibility, I accepted the responsibility, and I had an obligation to every citizen in my State and the citizens of this country to listen to them and try to understand their needs. That is what you get in a democracy. You get the opportunity to represent all of the people. It is not just the rubberstamp of the President's initiatives. The Constitution created the Senate as a check on Presidential power. The Founding Fathers created the Senate in order to obstruct the President, when necessary.

Mr. President, throughout history, so-called obstructionists have been the champions of democracy. Looking at these photos of people like this who resisted tyranny, are they obstructionists? Are the people who stood up against tyranny in so many other countries obstructionists? Are they people who are fighting for a cause, or are they obstructionists? This picture looks like Boston. Can those people be called obstructionists as they tried to defend their land? I don't think so. If we look further, there were people who disagreed with some of the Founding Fathers' views, who obstructed the King of England with our Declaration of Independence. It was a pretty good idea, one would have to assume. There was another time when an obstructionist stood up with incredible courage; her name was Rosa Parks. She obstructed immoral rules in her State, and in the picture you see her being fingerprinted before she goes to jail. Obstructionist? There was a former Republican Senator, Margaret Chase Smith. She spoke so eloquently in 1950 in the Senate in order to obstruct the tactics of Senator Joe McCarthy, with his bullying, sadistic kind of approach. Is that an obstructionist or is that a heroine? Women fought for the right to vote. The young women who are here tonight cannot think about times like that. Imagine a woman not being allowed to vote. Were they obstructionists?

Mr. President, the signs in the picture say, ''How long must women wait for liberty?'' And ''Mr. President, what will you do for woman suffrage, for the right to vote?'' Yes, they obstructed immorality.

So obstructionism, per se, is not an evil force if you are on the side of the people.

I say here today, in light of our democracy's heritage of productive obstructionism, I will be proud to obstruct some of President Bush's proposals this year.

I am happy to obstruct the President's plan to privatize Social Security and throw our retirement security into the stock market. I will be happy to obstruct those. If people want to take a chance, if they want to gamble, they should go to Atlantic City or Las Vegas, but do not do it with your pension because when you need it, it is liable not to be there.

A few months ago the President presented an unrealistic and flawed budget to Congress, and I hope to obstruct many items in the President's misguided budget proposal. For example, I hope to obstruct President Bush's plan to cut Medicaid by $60 billion over 10 years. Cuts that hurt the poor and the elderly, our Nation's most vulnerable populations. They need that help for their health and for their families. I am not going to stand by and not obstruct those cuts.

President Bush wants to take health care away from lower income families and lower income senior citizens. Is there any compassion there? I do not think so.

If we look at Amtrak, the Nation's premier rail service, the President wants to leave it without money, zero fund Amtrak, shut down the system. You better believe I am going to be there to obstruct that plan whenever I can. Shut down the system that took 25 million riders to their destinations last year?

The President also wants to slash community development programs. He proposes cutting funding to these programs by more than a third. Nearly $4 billion will be taken out of communities across the country. I want to obstruct that.

In regard to protecting our homeland, President Bush has proposed reducing homeland security block grants, cutting them by $253 million. America's soil, America's land, it is a second front in this war against terrorism, and our soldiers are paying a price for their fight there, a terrible price, because the President said no to having enough soldiers to do that job right from the beginning. There are great generals who now reflect on the mission and say: We could have used more soldiers there. One very senior general got fired for suggesting we need over 300,000 troops there.

The President said no to them, but he should not say no to having homeland security financed sufficiently to protect our citizens when they go to work, go to school, go to the library, or travel about our country. I hope everyone in this Chamber will obstruct that cut. I would like my colleagues to say no to that.

On the issue of airline travel, President Bush wants to increase the airline passenger tax by $3 for each leg of a flight. A family of four traveling with a layover each way could see their taxes increase by up to $64 for their round trip.

People are already paying too much in airline passenger taxes. I will obstruct, yes, obstruct President Bush's tax increase.

On our environment, President Bush's budget cuts environmental and natural resource programs by $2 billion. With child asthma cases increasing and other environmental dangers increasing across the country, why would we reduce environmental protection?

I have a grandson who is 11, and he happens to have asthma. He is the oldest of my 10 grandchildren. He is a very good athlete. But whenever my daughter takes him to compete in a baseball game or a soccer game, she always checks where the nearest emergency clinic is in case he has an asthma attack. Childhood asthma is growing in this country by leaps and bounds, and it is because the air is bad and we are not doing enough to clean it up. Asthma and other environmental dangers are increasing across the country. Why would President Bush say no to environmental protection? President Bush, I do not know why you want to obstruct funding for those programs.

Obstructionism is all that separates democracy from dictatorship. Sometimes obstruction is necessary, and in the case of President Bush's agenda, it deserves a healthy amount of obstruction. I hope my colleagues on this floor, regardless of party, will look at each of the President's programs and say: Remember that President Bush obstructed funding for teaching, for schools, for stem cell research, for research on Parkinson's or Alzheimer's. Remember, he obstructed funding for those programs. He took care of the rich, who are only getting richer.

If you looked in the New York Times about 2 weeks ago, there was an article about how the richest in this country are leaving the rich behind, about how 90 percent of the people in this country who work to keep their families together own only 10 percent of the assets of the country, and it is just the reverse on the top side.

In the case of President Bush's agenda, it deserves a healthy amount of obstruction, and I hope the people in this Chamber have the courage to stand up and say: No, I obstruct those terrible cuts and that mean, unhelpful disposition to make it tougher for hard-working families in this country to be able to support themselves, their children, and their needs.

BOLTON NOMINATION

Mr. DODD. Madam President, last evening, something rather extraordinary happened here in the waning minutes of the session. My very good friend from Kansas, the distinguished chairman of the Intelligence Committee, took the floor to discuss the Bolton nomination—an issue, I say to my colleagues, no one wants to be resolved more quickly than the Senator from Connecticut. I have been involved in this for two straight months. The Presiding Officer and I are both on the Committee on Foreign Relations. This goes back to April 11, the day we had hearings. My hope is that we can resolve this matter sooner rather than later.

Last night, my friend from Kansas took the floor and announced that he knew what names the members of the Senate Foreign Relations Committee were concerned about when dealing

with the Bolton nomination. This is the matter of the intercepts Mr. Bolton requested—some 10 of them—involving 19 names of U.S. citizens, Americans, on those 10 intercepts. We made the request earlier on to allow the chairman and ranking member of the Intelligence Committee, as well as the chairman and ranking member of the Foreign Relations Committee, to review the raw data on those 10 intercepts to determine whether there were any problems associated with Mr. Bolton's desire to see those intercepts, since there has been a basis of information concerning efforts by Mr. Bolton to intimidate a number of people within the intelligence community—of both the intelligence and research division of the State Department, as well as the CIA—concerning certain intelligence conclusions. Therefore, it is a matter of concern to many of us on the committee that we have an opportunity to review whether there has been any further intimidation.

I offered initially that we have the four Senators I mentioned review the matter. That was rejected by the administration. I then suggested why not just submit the names we are interested in and have the Intelligence Director inform us as to whether those names were part of the intercepts. If they were not, end of matter. If they were, we might want to proceed further to determine why those names were sought out. That was also rejected because the number of names requested to be reviewed was some 36 names. The reason I made the request for 36 names is because we had no idea specifically what these 10 intercepts involved. We were even denied a synopsis of what may be involved. We were flying in the dark about this information.

At any rate, my colleague and friend from Kansas proceeded to say he was familiar with what the six or seven names would be that we should be interested in. As a result, he proceeded to publicly name five of the seven individuals he identified. Not surprisingly, he also announced he consulted with Director Negroponte, who informed my friend that none of the names Senator ROBERTS provided to the administration were among the names Mr. Bolton and his staff were given by the National Security Agency.

What is remarkable about what happened last evening is that the Senator from Kansas is not a member of the Senate Foreign Relations Committee—the committee of jurisdiction with respect to the Bolton nomination. The Senator did not participate in more than 10 hours of hearings on the nomination. I sincerely doubt whether our colleague reviewed the more than 1,000 pages of transcripts from more than 30 interviews conducted by the bipartisan staff who jointly conducted those interviews. I know of no one on the committee who was consulted by our friend from Kansas to provide any input to the list that was settled upon.

I do believe we owe our colleague from Kansas a debt of gratitude, because the administration has at least now accepted the principle of cross-checking names against the list of names reviewed by Mr. Bolton. If the administration, in a matter of hours can cross-check seven names offered up by Senator ROBERTS, chairman of the Intelligence Committee, why is it a problem to cross-check the 36 names we have drawn up based on our own participation in the 10 hours of committee hearings and review of over 1,000 pages of interview?

We are not on some fishing expedition here at all to derail the Bolton nomination. We have not opened the State Department phonebook and selected names at random. There is a very specific rationale for each of the names on the list of 36 developed as a result of 10 hours of hearings, 1,000 pages of transcripts, and some 30 interviews.

The report of Mr. Bolton's hearing quite clearly and starkly paints a picture of an individual who is an ideologue determined to have his own way. We know what he tried to do with the underlings at the State Department and CIA—that is not in debate—who dared resist his efforts to endorse as fact what was not supported by available intelligence. Mr. Bolton tried to crush them. We know what he tried to do with other career State Department employees who ran afoul of him for inexplicable reasons. He sought to have them excluded in legal deliberations in areas of their responsibility or blackballed them from being assigned positions within the Department.

Mr. Bolton was a very driven individual when he sought to get his way with underlings. He even went so far as to propose a CIA analyst be denied country clearance so that he could not undertake official foreign travel.

He even sought to have the same individual's State Department building pass revoked. I do not need to go over these matters in detail, but the fact is, there is more than ample justification for seeking these 36 names, as well as the information that Senator BIDEN has raised regarding the raw data, the draft speeches dealing with testimony before the House committees on Syria.

These are not difficult requests to satisfy. As I said a minute ago, my friend from Kansas submitted seven names to the Department, and he was told within a matter of hours or less that they were not on the 10 intercepts. So whether or not the 36 names sought by the Foreign Relations Committee are included on those intercepts should also be a question that can be answered in a reasonable amount of time.

I have not told anyone, despite a number of requests, the names of the 36 people we would like to have checked out. I think acknowledging certain names is dangerously close to bordering on revealing the importance of the intercept traffic. When certain names are mentioned and then excluded, there is an implication that maybe they should be on those lists. So I would caution Members from publicly talking about the names. We have made no effort to do so. We, of course, want to limit the number of Senators who would actually be able to review this matter to four Senators out of the 100 in this body.

In all my years here, I have never faced such a situation where a coequal Member of this body has presumed to speak on behalf of another—in this case, suggesting that he knew which names we should request. Having submitted those names, he then discovered, of course, that those names were not on the intercept list that we saw.

So I am still hopeful this matter can be resolved. I do not think it should take that long. Certainly, if the administration would just respond to the two requests regarding the draft statements—congressional testimony by Mr. Bolton—and check out the names that we have requested regarding these intercepts, if that information is provided and clears up those two matters, then I think this body is ready to vote up or down on Mr. Bolton.

Perhaps he behaved more judiciously in dealing with his peers and superiors than he did with those below him in rank. Perhaps the information he requested from the NSA was routine and solely to carry out his responsibilities as Under Secretary of State for Arms Control and International Security.

But given Mr. Bolton's zealotry on proliferation, on North Korea, on Libya, on Syria and other policy areas, it is not unreasonable to worry that he used all tools at his disposal to advance his causes. That is what we seek to find out through a cross checking of our names of concern against the names provided to Mr. Bolton.

As a matter of institutional right, we have, I think, an absolute right, as a coequal branch of Government, to solicit information that directly pertains to the qualifications of this individual to be confirmed by the Senate for the position to which he has been nominated. So I would hope that the information would be forthcoming and that we would be able to get the answers and move on.

The PRESIDING OFFICER. The Senator from Massachusetts.

TOBACCO

Mr. KENNEDY. Mr. President, this morning's reports on the Justice Department's tobacco case are deeply disturbing for all Americans concerned about the health of their children. The Justice Department memos obtained by reporters show that high-level Bush administration political appointees overruled professional lawyers in the case in slashing damages the tobacco companies would be required to pay. There is no clearer example of this administration's view that Government and the courts should protect big corporations first and real people last. Whether it is global warning or Iraq or tobacco, their view is that the facts

should never be allowed to get in the way of their rightwing politics.

There are few initiatives that would have a greater impact on the health of our children than smoking prevention. No parent in America ever says, ''I hope my child grows up to be a smoker.'' Parents know that every child we prevent from smoking will have a healthier, fuller, happier life.

That is what this lawsuit was all about—requiring big tobacco companies to pay for antismoking programs.

I urge the President to intervene with his Justice Department. They made a political decision to back big tobacco. Now the President should make the responsible decision to back America's families.

If the tobacco companies do not pay for their misdeeds, then our families will pay with more cancer, more illness, and shortened lives.

From a public interest perspective, the worst thing would be for the Justice Department to settle with the tobacco companies based upon the weak and inadequate demand that DOJ made to the court last week. At this point, we have far more confidence that the court will do the right thing than the Justice Department will do the right thing. The court has the authority to look beyond the Justice recommendations and to order strong remedies based on the evidence presented at the trial. We should let the court decide.

AGAINST RACE-BASED GOVERNMENT IN HAWAII, PART III

Mr. KYL. Madam. President, I rise today to ask unanimous consent that the following account of the history of the Hawaiian monarchy be printed in the RECORD following my present remarks.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. KYL. This history is in the appendix to ''Hawaii Divided Against Itself Cannot Stand,'' an analysis of the 1993 apology resolution and S. 147, the Native Hawaiian Government Reorganization Act, that was prepared by constitutional scholar Bruce Fein. I previously have introduced earlier parts of that analysis into the RECORD—this is the third and final instalment.

The appendix to Mr. Fein's analysis carefully explains the nature of the Hawaiian monarchy, its evolution toward constitutional democracy, the attempt by the last monarch to undercut those reforms and compromise the judiciary, and the actors involved in stopping that monarch and establishing a democratic republic. This account is a useful antidote to the tendentious blame-America narrative provided in the 1993 apology resolution. The truth is much more nuanced than the resolution's ''Whites vs. Natives'' account. The real story is about a multiracial constitutional monarchy slowly evolving toward democratic norms and equal rights—a process whose final step was the admission of Hawaii as a State in the Union. That step was approved in 1959 by 94 percent of Hawaii's voters—large majorities of non-Natives and Natives alike.

The Native Hawaiian Government Act would undo that step—Hawaii's admission to the Union as a unified people and State. Indeed, it would even undo the progress made under the Kamehameha monarchy. That constitutional monarchy was not a monoracial institution. It included Hawaiians of all races. This bill would create, for the first time in Hawaii since the early 19th century, a government of one race only. This is not progress.

I urge my colleagues to read Mr. Fein's history, and to ask themselves why we would want to undo the achievements of past generations of Hawaiians by enacting S. 147 and creating a race-based government in Hawaii.

EXHIBIT 1

[From the Grassroot Institute of Hawaii, Jun. 1, 2005]

HAWAII DIVIDED AGAINST ITSELF CANNOT STAND

(By Bruce Fein)

APPENDIX

The apology issued by the United States Congress in 1993 to the Native Hawaiians for the ''illegal'' overthrow of the Hawaiian monarchy and its annexation to the United States is riddled with historical inaccuracies. The resolution alleges that the Committee of Safety, the political juggernaut that deposed Queen Lili'uokalani, ''represented American and European sugar planters, descendants of missionaries, and financiers.'' The language fails to disclose the Hawaiian monarchy's deep and lasting ties with the most powerful sugar planters on the islands. Many of the wealthiest sugar barons steadfastly supported the monarchy in opposition to the Committee for Safety.

Chinese and Japanese immigrants provided an abundant source of cheap labor on the sugar plantations. They labored for wages below what was required on the American mainland. The sugar planters owed their impressive profit margins to these workers. Annexation to the United States would have eliminated the sugar planter's labor cost advantage. Many sugar barons vigorously defended the monarchy to retain their access to cheap labor.

The sugar barons invested heavily in the monarchy. Claus Spreckels, the wealthiest sugar baron on the islands, established Claus Spreckels & Co. Bank in 1885. King Kalakaua borrowed heavily from Spreckels' bank; the planter's substantial influence garnered him the nickname ''King Claus''. King Kalakaua unsuccessfully endeavored to secure a two million dollar loan from the British to settle his debts to Spreckels' bank. Spreckels' financial stake in the monarchy provided him with considerable political capital, which he spent securing his business interests. After the Committee of Safety deposed the Queen, Spreckels vigorously lobbied for her reinstatement.

Some planters and financiers did offer their support to the Committee of Safety due to economic concerns. Prior to 1890, the United States conferred the privilege of duty free sugar imports only on Hawaii. The McKinley Tariffs eliminated Hawaii's advantage by allowing all foreign suppliers to export their sugar to the United States duty free and subsidizing domestic sugar production. Some businessman favored establishing a free trade agreement with the United States; others contended that annexation would assure unfettered access to American markets for Hawaiian goods. However, the congressional resolution exaggerates the presence of sugar planters on the Committee of Safety. Two members did hold management positions at sugar companies, and the Honolulu Ironworks, a provider of equipment to the plantations, employed another member. No member held a controlling interest in a sugar company, nor would it be accurate to assert that any of the members were sugar barons.

Queen Lili'uokalani herself furnished the proximate cause of the revolt. Since its inception in 1810, the Hawaiian monarchy embraced increasingly democratic governance. Queen Lili'uokalani reversed that trend when she sought to unilaterally change the constitution to augment her own power and weaken the government's system of checks and balances. The Hawaiian constitution, that the Queen had sworn to uphold, explicitly limited the power to revise the Constitution to the legislature, which represented native and non-Native Hawaiians alike. Her proposed Constitution allowed the monarch to appoint nobles for life, reduced judges' tenure from life to six years, removed the prohibition against diminishing judge's compensation, and admonished Cabinet members that they would serve only ''during the queen's pleasure.'' The Queen's own cabinet refused to legitimize her autocratic constitution. Her disregard for democracy provoked the 1893 revolution. The congressional resolution blatantly ignores the historical circumstances surrounding her overthrow.

While the apology expressly condemns the alleged military intervention by the United States, the Hawaiian monarchy itself established its primacy through a series of bloody conflicts with rival chieftains. King Kamehameha I succeeded in uniting the islands and establishing control over foreign immigration, which began with Captain Cook's arrival nearly thirty years earlier. He did not hold elections. He gained power through brute force and ruthless measures. During a battle in the Nuuanu Valley, Kamehameha's forces drove thousands of Oahuan warriors off steep cliffs to their death. According to the logic of the congressional Apology Resolution, King Kamehameha I's seizure of land by force amounts to a violation of international law. The Hawaiian monarchy, which the resolution holds in such high regard, is guilty of far more egregious ''illegal'' actions than those supposedly perpetrated by the United States.

In 1819, shortly after the death of Kamehameha I, his widow, Kaahumanu, became the de facto ruler and installed the deceased King's 23 year old son by another wife, Liholiho, as the nominal ruler, thereafter known as Kamehameha II. Under pressure from Kaahumanu and Keopuolani, the young king's mother, Liholiho broke the kapu, ordered the destruction of heiaus (stone alters) and the burning of wooden idols. Anthropologists have long regarded pre-contact Hawaii as the most highly stratified of all Polynesian chiefdoms. The chiefly elite from Maui and Hawaii Island had exercised a cycle of territorial conquest, promulgating the kapu system, an ideology based on the cult of Ku, a human sacrifice-demanding god of war, to legitimize chiefly dominance over the common people. The chiefs typically imposed the death penalty for violating kapu; women and those of lower castes suffered disproportionately under the system. When Liholiho broke the kapu by sitting down to eat with the women Ali'i, Kaahumanu announced, ''We intend to eat pork and bananas and coconuts

and live as the white people do.'' The following year, 1820, the first American missionaries arrived in Hawaii. Soon after, Kaahumanu took charge of Christianity and made it the official religion of the Kingdom. These shattering changes in the religion, culture and governance of Hawaii were the work of the Native Hawaiians themselves.

All foreigners came under the purview of the Native Hawaiian monarchy. The Apology Resolution decries the imperialist tendencies of the missionaries, yet their access to Native Hawaiians remained contingent on the monarchy's good graces. Several attempts to inject the Ten Commandments into the civil code failed, and King Kamehameha III actually banned Catholic missionaries for a time.

The Hawaiian monarchy had gained international recognition by the reign of King Kamehameha III. The child king ceded power to his regent, Kaahumanu, who remained the de facto ruler until her death in 1832. While the regency yielded significant changes in Hawaiian common law, including the introduction of jury trials, King Kamehameha III affected a seismic shift toward democracy when he produced the Constitution of 1840. The influx of foreign merchants and settlers had exposed the Native Hawaiians to new modes of jurisprudence and governance. These revolutionary ideas found expression in the new Hawaiian constitution. King Kamehameha III took a particular interest in studying political structures; he requested that an American missionary, William Richards, tutor him in political economy and law.

The king, the chiefs, and their advisors convened to draft a declaration of rights and laws in 1839. The declaration secured the rights of each Hawaiian citizen to ''life, limb, liberty, the labor of his lands, and productions of his mind'' and represented a critical concession to the king's subjects. The language ensured that native and non-Native Hawaiian citizens enjoyed equal protection under the law.

The following year, the council of chiefs and King Kamehameha III drafted a formal constitution. The document provided for the creation of a ''representative body'' chosen by the people and a supreme court consisting of the king; the kuhina-nui, the premier or regent; and four judges appointed by the ''representative body.'' Moreover, the document specified that only the legislature could approve alterations to the constitution following a year's notice of the proposed change. The government followed the mandated procedure and revised the constitution in 1852, which more explicitly outlined the powers accorded to each branch of government. While the Hawaiians borrowed many of their political philosophies from Western civilization, they forged a government of their own accord.

The Apology Resolution contends that ''the Indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States,'' yet the land system remained virtually unchanged after the 1893 overthrow and subsequent annexation. King Kamehameha III embarked on an ambitious land reform program in 1848, termed the ''Great Mahele.'' The original spate of reforms, the Buke Mahele, divided the land amongst the King and the 245 chiefs. The King further divided his lands into the Crown Lands and the Government Lands, the latter was to be ''managed, leased, or sold, in accordance with the will of said Nobles and Representatives . . .'' [Footnote: R.S. Kuykendall, The Hawaiian Kingdom 1778–1854 Vol 1, pg. 289.] Then, the Kuleana Grant program offered fee simple titles to the native tenants tilling each plot or kuleana. The commoners' share of land constituted a small fraction of the total; however, the kuleana lands were the primary productive agricultural land of the Kingdom and were considered extremely valuable. The Kuleana Grants awarded land to approximately two out of every three Native Hawaiian families.

The editor of the Polynesian newspaper extolled the grant as ''the crowning fact that gives liberty to a nation of serfs.'' Indeed, fifty years prior to annexation, the Hawaiian monarchy dismantled the ''subsistent social system based on communal land tenure'' that the Apology Resolution references. The government only extended the possibility of land ownership to foreign born residents two years after the Kuleana Grant. The provisional government of 1893 simply gained ownership of the crown lands and the government lands. The Apology Resolution faults the United States for acquiring those lands from the provisional government without providing compensation to Hawaii. Yet, the United States assumed over 3.8 million dollars of Hawaii's public debt, largely incurred under the monarchy, after annexation. That debt burden amounts to twice the market value of the land the United States inherited. Native Hawaiians did not forfeit one acre of land as a consequence of the overthrow or annexation.

King Kamehameha III's reign institutionalized a measure of representative democracy and property rights in Hawaii. King Kamehameha V's failure to designate a successor afforded native and non-native subjects alike the opportunity to elect the next two monarchs, King Lunalilo and King Kalakaua. The Hawaiian monarchy itself infused democracy, property rights, and a system of common law into Hawaiian society. The annexation did not alter those institutions.

The Constitution of 1887 extended democracy to the selection of nobility, reduced the arbitrary power of the King, stipulated that only the legislature could approve constitutional changes, and mandated that no cabinet minister could be dismissed without the legislature's consent. While the King signed the new constitution under pressure from a militia group, the Honolulu Rifles, the net effect of the revisions provided Hawaiian citizens with a more democratic government. Many natives expressed concern over the extension of suffrage to resident foreigners of western descent and the property qualifications to vote for or become nobles. A minority embarked on an ill-fated effort to depose King Kalakaua and install Lili'uokalani in his place. However, most native and non-native dissenters sought redress within the democratic system. Their opposition parties, the National Reform Party and the Liberal Party, garnered a substantial number of seats in the legislature. Queen Lili'uokalani's autocratic demands in 1893 appear even more egregious against the backdrop of liberalization that her predecessors championed.

The Apology Resolution also casts United States Minister to Hawaii, John Stevens, in a sinister light, charging that he ''conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii . . . to overthrow the indigenous and lawful Government of Hawaii.'' Moreover, the resolution contends that the United States Navy invaded Hawaii and positioned themselves ''near Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani.'' There is not a shred of hard evidence to support either of those claims. The Blount Report itself, cited by the Apology Resolution, contains statements from the leaders of the revolution and from John Stevens himself which directly refute those allegations. W.O. Smith recounted the Committee of Safety's contact with Minister Stevens in Blount's report: ''Mr. Stevens gave assurances of his earnest purpose to afford all the protection that was in his power to protect life and property; he emphasized that fact that while he would call for the United States troops to protect life and property, he could not recognize any government until actually established. He repeated that the troops when landed would not take sides with either Party, but would protect American life and property.''

Minister Stevens consistently denied any involvement in the revolution. Any statement to the contrary amounts to little more than speculation.

The Blount Report was a partisan endeavor. The newly elected Democratic President Cleveland castigated the outgoing Republican administration of President Harrison for its ''interventionist'' tactics in Hawaii prior to any investigation. Cleveland accused Minister Stevens of orchestrating virtually every aspect of the revolution in an address to Congress claiming that ''But for the notorious predilections of the United States Minister for annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed.'' In fact, King Kamehameha III first proposed annexation to the United States in 1851, despite strenuous objections from the French and the British. When Cleveland commissioned the Blount report, the ongoing effort to discredit the Harrison administration colored Blount's impartiality. He did not swear in his witnesses, nor did he interview all involved. Cleveland even attempted to reinstate Queen Liliuokalani, although he aborted those efforts after the Queen repeatedly insisted that all involved in the Committee of Safety be executed. The Senate's bipartisan Morgan Report found little evidence to support Queen Lilioukalani's fraudulent claims that United States pressure forced her to abdicate the crown.

The provisional government encountered little resistance. Just 800 Hawaiian royalists staged a short-lived counter-revolution in 1895. Under the leadership of President Sanford B. Dole, the new government convened a constitutional convention in the summer of 1894. The resulting document cemented civil liberties for all Hawaiian citizens, similar to the American Bill of Rights, and mandated that a Senate and House of Representatives be elected by the people. Royalists continued to express their frustrations in opposition newspapers without censure. After the 1898 annexation, Native Hawaiians proved a dynamic force in island politics. While just one of the Washington-appointed Governors, Samuel Wilder King, possessed Hawaiian blood, five out of ten elected Delegates to Congress boasted Native Hawaiian ancestry. In 1903, a Native Hawaiian Delegate to Congress of royal ancestry, Prince Kuhio, delivered Hawaii's first petition for statehood to Washington.

August 21, 1959 remains a day of celebration for Hawaiians of all races and creeds. Hawaii's induction into the union as the fiftieth state marked the culmination of its protracted struggle for statehood. Native and non-Native Hawaiians voted overwhelming in favor of statehood in the plebiscite preceding the formal declaration. Native Hawaiians did not rally in opposition to statehood; just 6 percent of the voters opposed the measure whereas 94 percent resoundingly announced their support. As Senator Inouye of Hawaii so eloquently testified, ''Hawaii remains one of the greatest examples of a multiethnic society living in relative peace.'' Congressional Record, 1994, Page S12249. He echoes the same sentiments Captain Ashford expressed in 1884 to King Kalakaua when he referred to the Hawaiian flag as, ''this beautiful emblem of the unity

of many peoples who, blended together on a benignant basis of political and race equality, combine to form the Kingdom of Hawaii . . .'' The Akaka Bill would thus represent a wretched regression in race relations that would occasion equally wretched racial ills.

JUNETEENTH INDEPENDENCE DAY

Mr. OBAMA. Madam. President, I was pleased to join the Senator from Michigan, Senator LEVIN, in submitting a resolution on the Juneteenth Independence Day.

I have heard people ask, ''Why celebrate Juneteenth?'' We have so many holidays and remembrances already—why add more history to the calendar?

But of course, Juneteenth is not just about celebrating history. It is about learning from it. Just like the day when the greatest civil rights leader of our time was born or the day when we finally gave African Americans a ballot and a voice, Juneteenth is a day when we can look back on a time when everyday Americans faced the most daunting challenges and the slimmest odds and still persevered. When they said ''we shall overcome,'' and they did. When the hopes held by so many for so long finally led to the victory of freedom over servitude; of independence over enslavement.

Juneteenth is a day that allows us to remember that America is still the place where anything is possible. It has been that place in the past, and it can be that place in the future when it comes to the challenges we have yet to meet.

And so when we think of those challenges—when we think of the injustice we still face and the miles we have left to march—when we think of the millions without health care, the children without good schools, the families without jobs, and the disparities that still exist between black and white, rich and poor, educated and uneducated—when we think about all these challenges, we can also think ''Juneteenth.''

We can think of a day when the word began to spread from town to plantation to city to farm that after more than a hundred years of slavery, millions were now free. That after so many hopeless days and years of despair, the impossible was now truth; the shackles were now broken and a new day was finally here.

In the memory of this day, I believe we can find hope for all the trying days we have yet to face as a people and as a nation. And as we continue to overcome, we will continue to celebrate those victories as historical markers that give future generations the same hope we have today.

I commend Senator LEVIN for his longtime leadership on civil rights issues and urge my colleagues to support this resolution.

Mr. KERRY. Mr. President, I wish to recognize the upcoming Juneteenth celebration that will occur this Sunday, June 19, 2005. This celebration commemorates the end of slavery throughout the United States. Although the Emancipation Proclamation was issued on January 1, 1863, the information had not been passed to the most rural parts of the South until some two and a half years later when General Gordon Granger entered Galveston, TX on June 19, 1865, and issued the proclamation, officially freeing the town.

There are a number of theories to explain why it took so long for the message of freedom to reach many slaves throughout the South. While there is yet to be a definitive explanation for the delay, as we continue to recognize the importance of this date, we can be assured that scholars will continue to research this part of our Nation's history.

Annual Juneteenth celebrations have long been a part of our Nation's history. Although they were held in the years immediately following 1865, they were not popular in the Jim Crow-era South. In fact, they were banned from public property, and, in order to continue the celebrations, churches throughout the South held fundraisers to sponsor Juneteenth events. This was common until the Great Depression, when people could no longer afford the necessities of everyday life, let alone celebrations of our past. At the same time, in many public schools, teachers often focused discussion on the day of the Emancipation Proclamation, even though it had no immediate impact for slaves in many parts of the South. Thus, there was limited recognition of the importance of Juneteenth until the Texas legislature recognized it as an official holiday on January 1, 1980.

This weekend we recognize this important celebration. In so doing, we take time to reflect on the evil of slavery. This is a time to learn from the past and to redouble our efforts to ensure that the values of freedom and liberty in this country are afforded to all its citizens. Juneteenth is a day for reflection, for prayer and for hope that our country will continue to grow together in the spirit of liberty, equality and justice.

I am proud to honor the 140th commemoration of the African American emancipation day, Juneteenth, June 19, 1865.

''HEROES AMONG US'' AWARD RECIPIENTS

Mr. KENNEDY. Mr. President, all of us in New England are proud of the Boston Celtics. They led the Atlantic Division of the NBA this season, but they are also leaders in the community. Each year, the Celtics honor outstanding persons in New England as ''Heroes Among Us''—men and women who have made an especially significant impact on the lives of others.

The award, now in its 8th year, recognizes men and women who stand tall in their commitment to their community. The extraordinary achievements of the honorees this year include: saving lives, sacrificing for others, overcoming obstacles to achieve goals, and lifelong commitments to improving the lives of those around them. The winners include persons of all ages and all walks of life—students, community leaders, founders of nonprofit organizations, members of the clergy, and many others.

At home games during this season, the Celtics and their fans salute the efforts of an honoree in a special presentation on the basketball court. So far, over 300 individuals have received the ''Heroes Among Us'' award.

The award has become one of the most widely recognized honors in New England. I commend each of the honorees for the 2004–2005 season, and I ask unanimous consent that their names and communities be printed in the RECORD.

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

Bill Annino, Scituate, RI
Mattie Arkord, Brighton, MA
Suzin Bartley, Milton, MA
Boston MedFlight, Bedford, MA
Andrea Casanova, Boston, MA
Mike Cataruzolo, Watertown, MA
Marisol Chalas, Lynn, MA
Erika Ebbel, Cambridge, MA
Jini Fairley, Dorchester, MA
Judi Fanger, Needham, MA
Autumn Faucher, Pelham, NH
Students from Fenway High School, Boston, MA
Sue Fitzsimmons, Wellesley, MA
Officer Steven Fogg, Waltham, MA
Lauren Fox, Brookline, MA
Gladys Aquino Gaines, Andover, MA
Sean Gavin, Brighton, MA
The Giangrande Family, Andover, MA
Manna Heshe, Brookline, MA
Deborah Jackson, Milton, MA
Hubie Jones, Newton, MA
Kirk Joselin, Holliston, MA
Paula Kane, Westborough, MA
Rick De Muinck Keizer, Belmont, MA
Dr. Punyamurtula Kishore, Chestnut Hill, MA
Sotun Krouch, Lynn, MA
Iwona and Emily Londono, Dorchester, MA
George Mazareas, Nahant, MA
Jake Mazza, Newton, MA
Jane Melchionda, Reading, MA
Kimo Murphy and David Dorriety, Hillsboro, NH
Kyle Power, Methuen, MA
Pat Pumphret, Winthrop, MA
Jerry Quinn, Brighton, MA
Margie Rabinovitch, Newton, MA
Sergeant Steve Roche, Worcester, MA
Freddie Rodrigues, Dorchester, MA
Dick Rogers, Waltham, MA
Jothy Rosenberg, Newton, MA
The Sammis Family, Rehoboth, MA
The Schoen Family, Weston, MA
Peter Trovato, North Attleboro, MA
Three members of the original Tuskegee Airmen: Jack Bryant, Cohasset, MA; James McLaurin, Weymouth, MA; Enoch Woodhouse, Boston, MA.
Nancy Tyler Schoen, Franklin, MA
Steven Vellucci, Jr., Tyngsboro, MA

NOMINATION OF THOMAS GRIFFITH

Mr. BIDEN. Madam President, I ask unanimous consent to have printed in

the RECORD my statement on the nomination of Thomas Griffith.

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

NOMINATION OF THOMAS GRIFFITH

Mr. BIDEN. Mr. President, I rise today to discuss the nomination of Thomas Griffith to the U.S. Court of Appeals for the District of Columbia. I intend to vote for Mr. Griffith's nomination today. When the Judiciary Committee reported Mr. Griffith's nomination to the floor on April 14, I opposed his nomination because of my concern over the nexus between his public views on title IX and his views on stare decisis. More specifically, I expressed concern that Mr. Griffith had not clearly indicated that he would respect 27 years of the accepted legal interpretation espoused by successive administrations and other Federal appellate courts regarding the ''substantial proportionality'' test of title IX. In my view, failure to accept this consensus as ''applicable precedent'' would mark a monumental, and unacceptable, shift in the ability to enforce title IX.

When I voted against Mr. Griffith in the Judiciary Committee, however, I stated that I would reconsider my vote on the floor if I received assurances that he would respect the unanimous consensus of the Federal appellate courts and prior and current administration interpretations on title IX. When I was unable to reach Mr. Griffith, I had my staff director speak to him to ask a series of followup questions. Mr. Griffith assured my staff that he would consider the consensus views of the appellate courts and administration views as ''applicable precedent'' with respect to any challenge to title IX he might face as a sitting judge on the DC Circuit. He also reiterated the point, made in his earlier written responses, that he would recuse himself in any case where the DC Circuit's recusal rules required it. Mr. Griffith also noted that he has five daughters who are all active in sports and who had been direct beneficiaries of title IX. He stated that, having seen first-hand the tangible effects of increased participation for women in sports, he would never do anything to curtail the continued success of title IX.

By all accounts, Mr. Griffith is an honorable man and I take him at his word. It is my hope and expectation that he will apply the consensus precedent on title IX matters should he consider them on the bench. I am fortified in my views by the strong endorsement of Mr. Griffith's nomination by three individuals for whom I have great respect—Judge Abner Mikva, Gregory Craig, and Lanny Breuer. I served in Congress with Judge Mikva, helped shepherd his nomination to the Federal bench, and worked closely with him when he was White Counsel and I was chairman, then ranking member, of the Judiciary Committee. I have worked with all three of these individuals, and their personal assurances to me that Mr. Griffith is both a man of his word and possessed of the requisite judgment and temperament to sit on the Federal bench is a significant factor in my decision to support his nomination. Finally, I am hopeful that Mr. Griffith will also remain true to his word for the sake of his five daughters who have been direct beneficiaries of title IX.

For these reasons, I have decided to support Mr. Griffith's nomination on the floor.

ADDITIONAL STATEMENTS

RECOGNITION OF ECONOMIC EDUCATION ACHIEVEMENTS

• Mr. AKAKA. Mr. President, I want to recognize the achievements of several individuals from Hawaii who have excelled in an area of great interest to me, the area of economic education.

First is Lance Suzuki, a teacher at Maryknoll High School in Hawaii. For his AP Economics class he developed a new and very innovative piece of curriculum, a novel approach to involve the students in learning economics. This lesson is called ''What Does 2 Trillion Dollars Buy?'' where students participate in learning the political side of the economy as well as how the federal budget is developed and approved by the Congress. For this lesson, he was recognized by the NASDAQ Stock Market Educational Foundation, Inc. and the National Council on Economic Education as the Grand Winner of their 2005 National Teaching Award.

Economic education is very important to our nation. Commercial marketing continues to target younger audiences—not just teenagers, but young children—to become consumers and in some cases provides them with easy access to lines of credit. We must ensure that our students have the necessary tools for sound financial decision making. Lance Suzuki's curriculum achieves this important goal. Not only will his students and school benefit, but all of us will gain from the innovative efforts of Lance Suzuki. I am proud that a teacher in my home State of Hawaii has been recognized with this prestigious award for expanding economic education.

I also wish to congratulate a group from Iolani School. They are students Justin Van Etten, Lara Malins, Tyler Mizumoto and Reed Ayabe, and their coach, Col. Richard Rankin. These four students along with team member Steve Schowalter, who was unable to attend the competition, comprise the top Iolani School Economics Team. On May 23, 2005, they won the 2005 National Economics Challenge, a competition that started out with 34,000 teams nationwide. The future of our country depends on our students, and I am pleased to know that Hawaii is turning out such successful young people. I earnestly congratulate them for their achievement.

I have been very active in working to address economic and financial illiteracy in the United States. I have introduced legislation including the Mutual Fund Transparency Act, the College Literacy in Financial Education Act and the enacted Excellence in Economic Education Act. We must strive for better economic and financial literacy, which, in turn, will result in stronger families, better-functioning markets, and a more secure future for our nation.

It is a critical time for citizens to be literate in economic issues. More than ever, the need for leadership in the classroom is foremost and the involvement of students is paramount. Lance Suzuki and the Iolani Economics Team are role models for our country and I am proud to extend my sincere congratulations and appreciation for their hard work.•

RECOGNIZING JULIA DYER

• Mr. ALLEN. Mr. President, today I am pleased to recognize Julia Dyer, a teacher at Albemarle High School in Charlottesville, VA, who is one of eight finalists for the Richard T. Farrell Teacher of Merit Award for outstanding success in teaching history.

The Richard T. Farrell Award is presented each year to a teacher who employs innovative and creative teaching methods in and out of the classroom. The teacher must participate in the National History Day program, develop and use creative teaching methods to pique students' interest in history, help them make exciting discoveries about the past, show exemplary commitment to helping students develop their awareness of history and recognize their achievements.

Ms. Dyer is being recognized for her dedication to the National History Day program and her success with improving history education. She has been involved in helping students participate in National History Day for over 20 years. Ms. Dyer has a unique ability to take a classroom curriculum and personalize it for each student. And, most impressively, she continues to have an impact on students even after they have left her classroom.

As a former Governor who implemented academic standards for Virginia's students in a broad range of subjects, including history, I am especially pleased that we have outstanding women like Julia teaching in our schools. I commend Julia on her selection for this award and applaud her dedication to her students, the improvement of the educational process and the teaching of our common history. With dedicated teachers like Julia Dyer, I know the students in Virginia, and indeed across America, have a bright future.•

COLLEGE WORLD SERIES IN OMAHA—JUNE 2005

• Mr. NELSON of Nebraska. Mr. President, on June 17, 2005, more than a half-century baseball tradition continues in Omaha, NE. This is the 56th year in a row that Omaha plays host to what is officially named the NCAA Men's College World Series. Of course, baseball fans nationwide know it by its unofficial name—''The Road to Omaha.''

The Men's College World Series features the best teams that college baseball has to offer. Many of the players are the professional superstars of tomorrow. One has even gone on to become President of the United States.

As a student at Yale University, President George H.W. Bush played in the College World Series in Kalamazoo, MI, in 1948, 2 years before the games found their permanent home in Omaha.

In 2001, President George W. Bush came to Omaha to throw out the first ball at Johnny Rosenblatt Stadium. The stadium, named in honor of a former Omaha mayor and avid baseball fan, serves as the home ballpark for the Omaha Royals, which is the Pacific Coast League AAA farm team of the Kansas City Royals.

Since the College World Series came to Omaha in 1950, there have been 799 games played at Rosenblatt Stadium with 5,692,950 fans in attendance. The attendance shows remarkable growth from that first year when fewer than 18,000 fans showed up for the entire series. Today, the average attendance for the entire 10-day event approaches 230,000 with an average per-session attendance of nearly 23,000.

Credit for this phenomenal success story goes to College World Series of Omaha, Inc., a nonprofit organization which has captured the imagination of the people of Omaha, its business leaders, city officials and volunteers.

We are often asked by fans that follow their teams here and are attending their first College World Series, ''Why Omaha?'' The answer is easy. The entire city rolls out the red carpet for visiting teams and their supporters. Baseball fans, most from the Omaha area, fill the stadium for each game. They cheer all participating teams equally, making players, families and fans from other parts of the country feel welcome. Even when hometown favorites, the Nebraska Cornhuskers or Creighton Bluejays make it to the series, fans continue to cheer for teams coming from other States.

Many Omaha supporters take time off from work during the 10-day event, tailgating on the stadium grounds and attending games each day. They will often wait in line all night to buy tickets which remain low in price despite sellouts and the fact that games are telecast nationwide on ESPN and ESPN2. A book of 50 general admission tickets sells for $50. Even box seats for the championship games sell for only $30.

The College World Series in Omaha has become as much of a tradition as baseball itself. Even the name, Omaha, has become synonymous with championship baseball. Instead of referring to it as the College World Series or the NCAA Division I Baseball Championship, teams competing to play here all refer to Regional and Super Regional tournaments as the ''Road to Omaha.''

In the same year that baseball returned to Washington, DC, I am proud that the College World Series returns to Omaha for its 56th consecutive year with contractual assurances that it will remain here at least through 2010.

I'd like to extend a warm Nebraska invitation to all of my colleagues and baseball fans everywhere to come to Omaha from June 17 through 27 to enjoy college baseball's finest tradition. You are certain to enjoy yourselves, and like many of the players who earn the right to participate in the College World Series, you, too, will find yourself part of the ''Road to Omaha'' experience.●

SOL M. LINOWITZ

● Mr. SARBANES. Mr. President, when Sol M. Linowitz died recently, at the age of 91, this country lost a distinguished citizen and his family lost a loving, wise and generous husband, father, brother and grandfather. Those who had the privilege of working with him—and there are many of us—lost a colleague and wise counselor and, above all, a dear friend.

It says much about Sol Linowitz that he opened his 1985 memoir, The Making of a Public Man, with a citation from Justice Oliver Wendell Holmes, Jr.: ''It is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.'' That is precisely what Sol did over the course of what his brother, Bob Linowes, described—too modestly—as Sol's ''exemplary and productive life.'' Indeed, it can be said of Sol Linowitz that almost from his birth in 1913 until his death earlier this year, he reflected in his own life the highest ideals, aspirations and achievements of 20th-century America.

Sol Linowitz was the eldest of Joseph and Rose Linowitz's four sons. Both his parents had come to this country as adolescents from what was then the Russian empire. They met and married in this country, settling in Trenton, NJ, and raising their family there. Of his parents Sol has written simply but eloquently: they ''were not highly educated people; they had come across the ocean . . . bringing their hopes and little more . . . their life was a struggle.'' From his parents he received the priceless gift of principles by which to live his own life: the fundamental importance of education; values taught by example, not rhetoric; people helping others in need. He grew up in a neighborhood of families similar to his own, except that they had come from Ireland, and Italy and in an earlier time and under different conditions, from Africa. He could see that his parents ''most of all loved and trusted this country.''

On the strength of advice from a high school teacher and a modest scholarship, Sol Linowitz went to Hamilton College, where he went on to become the Class of 1935 Salutatorian. Advice from a distinguished Hamilton alumnus, Elihu Root, led him to law school; when he told Root that he was thinking of becoming a rabbi or studying law, Root replied: ''Become a lawyer. I have found that a lawyer needs twice as much religion as a minister or rabbi.'' Once again, this time at Cornell Law School, he rose to the top of his class, finishing first and serving as editor-in-chief of the Cornell Law Quarterly. A number of his law-school friends, like Senator Edmund Muskie and Secretary of State William Rogers, went on to become eminent public servants and practitioners of the law. But Sol wrote with typical understatement in his memoir that ''the most significant social contact'' of his years at Cornell was Toni Zimmerman, a Cornell student. All who know Toni Zimmerman Linowitz would certainly agree. Sol and Toni were married for 65 years.

Sol chose to practice law in Rochester with the small family firm of Sutherland and Sutherland. Following government and military service during World War II, he and Toni returned to Rochester. Sol resumed his law practice. At the same time, he entered into the sustained engagement in community and national affairs that was to illuminate his entire life.

Sol Linowitz's commitment to public service extended far beyond his government service, which began with his OAS ambassadorship, in 1969. He found an extraordinary range of opportunities to serve. For many years he was a trustee of Hamilton College and of Cornell University, which had both served him so well—and also of Johns Hopkins University, in Baltimore, and the University of Rochester and the Eastman School of Music, in Rochester. He was chairman of the Jewish Theological Seminary of America. He served as president of the National Urban League. He was a co-founder of the International Executive Service Committee, in 1964, and the founder of the InterAmerican Dialogue, in 1982. He was an advisor to three U.S. Presidents, and was President Carter's representative in the Israel-Egypt negotiations following the Camp David Accord.

With Ambassador Ellsworth Bunker, Sol Linowitz led the U.S. team that negotiated the Panama Canal Treaties. It has been reported that years later Sol said of this daunting challenge, ''In retrospect, I'd have to say that assignment was probably the most difficult and the most challenging of my life. It is also the accomplishment of which I am most proud.'' Sol had reason to take pride in his achievement. The treaties were brilliantly drafted and negotiated. They put an end to a growing source of friction in U.S. relations not just with Panama but with all of Latin America, and assured the continuing, smooth operation of the Canal.

It was in my capacity as a manager of the floor debate over the Senate's advice and consent to the treaties that I worked closely with Sol Linowitz over many months and got to know him well. He was an extraordinarily skillful diplomat, an honorable and dedicated public servant. He was also a person of singular intelligence, integrity, and human compassion. It was my privilege to consider him a friend.

Sol opened his memoir with the quotation cited above from Justice Oliver Wendell Holmes, Jr. In closing, he

turned to Archibald MacLeish. MacLeish, he noted, ''once said that 'America is promises,' but these promises have not been kept equally to all. Those of us for whom the most extravagant promises of this land have become a reality are, I think, required to seek appropriate expressions of their gratitude.'' Sol Linowitz never ceased to find opportunities to express his gratitude. Again and again over the course of his long and productive life, he found innumerable ways to make our Nation a better place for all its people.

At a memorial service at Adas Israel Congregation on March 29, 2005, Sol Linowitz was remembered in a series of moving tributes from members of his family, friends and colleagues. Every tribute reminded us yet again how deeply the loss of Sol Linowitz is felt. He was ''a man comfortable with himself, and thus everyone was comfortable with him,'' said Jim Lehrer. ''He asked questions and then he listened to the answers.'' Bernard Kalb observed, ''Sol Linowitz may have been the president of Xerox but no one has yet succeeded in making a copy of Sol.'' Mr. President, I ask that the service be printed in the RECORD.

The service follows.

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

MEMORIAL SERVICE

RABBI JEFFREY A. WOHLBERG

We begin with a poem:

To the living, death is a wound,
It's name is grief, it's companion loneliness.
But death belongs to life
As night belongs to day
As shadow belongs to substance
As the fallen leaf belongs to the tree,
So does death belong to life.

Death is normal and natural, it is part of reality—we know that. And yet, when it comes, when it touches someone close to us, when it takes someone, that is beloved we are somehow not ready and unprepared no matter what we know, no matter what we think we know and no matter what the age of the person who is gone. This is the difference between intellect and emotion.

So we gather to mourn and to eulogize and to share memories, vignettes and strength as we come together for Sol Linowitz. There is a void in your lives, an unfillable hole for which we feel unprepared.

We have all lost someone precious, a man who was extraordinary, quite unique and very special. Your loss is shared by many of us outside the family, not merely because we knew Sol or because he had done something for us, but because of what he's done for all including many who never knew him, and yet who are in his debt. Outside the family he was known, admired and respected by world leaders, by people of prominence, by people of stature. He was a quintessential attorney, an accomplished businessman, an effective diplomat, a trusted counsel to presidents and prime ministers, as well as to rabbis and the public in general. He served as Chairman of the Board of the Jewish Theological Seminary and that of course brings him added distinction.

But beyond all his successes—as an attorney at Xerox, in service to our government, on boards and boards at universities—and other accomplishments, it all comes down to family. Our condolences are extended to brothers David, Robert, and Harry, who remember parents Joseph and Rose, growing up in Trenton, New Jersey, Hamilton College and Cornell University and so much more that they shared over these many years. Our condolences are extended to Toni, his wife of 68 years. Theirs was a love affair which began when she was in college and he was in law school. She remembers wearing a green dress and that she signed up for archery so that she could meet him on the path when he came out of law school and would see her. Our condolences are extended to daughters, to Anne, June, Jan, and Roni as well as their spouses who have always been close and supportive as well as supported by his love. And of course to eight grandchildren, Judy, David, another David, Michael, Steven, Danny, Jessie and Sandy, who were the dividends of his life. He shared their trials, challenges and successes. The family was of critical importance to him no matter what was going on. You said that after dealing with family he was ready to deal with anything and it made him a great negotiator. And so there is a great deal of pride, pleasure and strength that you shared as you gave each other mutual support.

Long after the violin is set aside the music plays on. And so it is with a human life. Sol (who played the violin) is gone, but the music of his life will remain with us forever.

Servant of God well done;
Rest thy loved employ
The battle fought, the victory won
Enter the martyrs' joy.
The pain of death is past,
Labor and sorrow cease,
Life's long warfare closed at last,
May thy soul now rest in peace.

May the memory and name of Sol Linowitz bring comfort to all who hold it dear.

JUNE LINOWITZ

Hello and welcome. On behalf of my family I want to thank everyone for being here. It means a lot to us.

My name is June Linowitz and it is my honor to speak on behalf of my sisters—Anne, Jan and Ronni. What I'm going to say is the result of the conversations with my sisters. I assume that other speakers this afternoon will discuss my dad as diplomat, humanitarian, businessman and sage. I just want to talk about Sol Linowitz—our dad. Implied in this discussion is, of course, our mother Toni Linowitz. My parents were married for 65 years and had a remarkable marriage. My parents respected each other, supported each other, encouraged each other, adored each other and truly shared their lives. As far as we kids were concerned they presented a united front. So often when I talk about my dad, I'm talking about my mom too.

I can't talk about Dad without mentioning his sense of humor. A lot of you know he had a story for every occasion but what we kids remember is was how funny he could be. My dad loved to laugh and to make other people laugh. He felt that one of the best ways to relate to a person was through laughter and he was very good at making that happen.

My sisters and I remember a routine from when we were little and he'd put us to bed. He'd tuck us in, say ''goodnight'' turn off the light and—walk into the closet. He'd come out of the closet saying ''oh, oh, sorry'' and bump into a wall. Flustered he'd walk into another wall. Then he'd say ''ok now, enough. I'm leaving now'' and (walk down imaginary stairs). We'd howl with laughter! My dad was our favorite playmate! And a routine like that was psychologically pretty savvy for small kids because we knew no monsters were hiding anywhere. He'd been everywhere trying to get out of the room!

My dad was a great amateur psychologist. For example—My sister Jan used to be painfully shy. My dad would talk with her saying ''A woman visited me in the office today. She's concerned about her son Johnnie because he's afraid of meeting people. She doesn't know what to do. What do you think I should tell her?'' Jan would confer with dad and come up with a way to tackle Johnnie's shyness and of course her own. It was a very effective tactic.

My dad the amateur psychologist even devised behavioral charts. With Jan he devised a chart where she would get a star each day she shook somebody's hand and if she did that for 2 weeks she'd get a treat.

No big surprise! My sister Jan has grown up to be a psychologist!

My parents wanted us to know the value of money. We got what we needed but not necessarily what we wanted. We were given allowances (small ones, I might note) that were defendant on our performing certain chores. Unfortunately my parents would also dock us if we didn't do certain things or if we misbehaved and I was the kind of kid who at the end of the week often ended up with nothing. At holidays, or our birthdays, our gifts weren't extravagant. We got socks and underwear wrapped as presents for Chanukah. We got other gifts too but at least some of our presents were things we needed and should have been grateful to receive. Because my dad didn't want us to take things for granted. He wanted us to know how fortunate we were. We had food on the table and clothes on our backs and a place to sleep and he knew and wanted us to know that most of the children in the world weren't as fortunate.

We talked about current events at the dinner table. My dad made it a priority to be with us at dinner time. He was a busy man but he had time for his family. We'd talk about the events of the day, not just what happened with us kids at school, but what dad had experienced and what had happened in the world. And my dad would be interested in our opinions. He'd question our views and so taught us how to think.

He wanted us to think for ourselves and be independent. And of course he paid for that. When we got older, and we realized what a big shadow he cast, we fiercely stated our independence. When we started looking for jobs—we wouldn't use his contacts. When we had problems—we wouldn't take his advice. We didn't really want to be seen with him. We wanted to be successful and respected on our own terms and to my dad's credit, he respected us for that. We made him kind of crazy, but he was proud of us.

And as we've made our way in the world, Anne is a social worker, Jan is a psychologist, and Ronni and I are artists, he became our biggest fan. He was our good friend and wise counsel. No matter what was going on in his life, no matter how busy he might be, our dad was always available if we needed him. He would listen to us and we listened to him too.

We would discuss our careers, our marriages, our families and our lives. We would talk about the nature of death and the purpose of life. We would discuss the state of the world and the current conflicts. And, as many of you know, my dad's outlook would always be hopeful. He would acknowledge the difficulty of the situation but he'd believe in man's capacity to prevail. He looked for the best in people and so he would bring out the best in people. He was both a realist and an optimist. He was quite simply an exceptional human being.

My dad used to say that he felt closer to his own parents after they died. My sisters

and I are hoping and praying that we'll find that true too. Because we miss our dad a lot.

RONNI LINOWITZ JOLLES

I am honored to be here today, as one of Sol Linowitz's daughters, to speak about our father. My sister June spoke so well about the wonderful father he was to the four of us. I think you know of some of his tremendous accomplishments that truly made the world a better place. I want to share with you a conversation that I had with him that will give you a different perspective about the kind of person he was.

I called him one Sunday morning—about 15 years ago, although I remember it clearly—and asked him if I could come talk to him about something that was bothering me. Without hesitation, he instantly said, ''Yes, of course. Your mother and I will be here all afternoon so come on over.'' He had a certain excitement in his voice; he loved to talk about things that were deep, or meaningful, and he loved to help you to work through a problem and find solutions.

I came over that afternoon and went up to the den. I talked to both mom and dad for a while, and then my dad and I went to talk. When I came into the study, I could see that my dad had set things up for our talk; he had cleared off his desk, except for a big yellow legal pad and a pen. He was prepared to do what he did better than anyone I have ever known; to listen. And I was lucky enough to be listened to by the wisest person I will ever know in my life.

So, I began to talk: I went over the most important things in my life, because I knew that those things all would have an impact on what was bothering me; I talked about my marriage, my kids, my job, my synagogue, my close friends. I talked about the balance I was seeking to find as I lived my life.

Then I got to the issue at hand: ''Dad, '' I said, ''. . . I've been really struggling with this: I hope you don't think this is silly, but . . . I don't think I'm making a difference in the world. I just don't feel like I'm doing enough.

If I weren't here tomorrow, have I left a mark?

Have I made the world a better place?

I don't think I'm doing as much as I can to make a difference.

He looked at me and started with what I knew he would say first. ''Being a mother is one of the most important jobs you'll ever have. . . . your teaching is such a gift.'' We went back and forth about a few things, but it just wasn't feeling right.

''You know, Dad, this may just be due to having someone as amazing as you as a father. I mean our dinner conversations were a little unusual . . . I grew up hearing about world peace, solving world hunger, starting new companies, building new organizations!

''Maybe I just have to come to terms with the fact that I'm not you, and I am not going to be able to be do the kinds of things that you did and are still doing. Maybe you can just help me reach a peace about it so it won't bother me anymore.''

He just looked at me for a few minutes, and finally said, ''OK. I want to talk to you about, something. I know exactly what you're feeling.''

He went on—''You know, you think I'm such an important person. I know that you think I'm doing all of these important things, and sometimes maybe I am, but I also wonder if I'm making a difference.''

He went on, ''The truth is; I don't know if what I'm doing is making a difference. I hope I'm making a difference, and some days, after something very positive has happened, I do feel like I'm really making a difference.

But I honestly don't know if the treaties I'm helping to implement will be here in 50, or 100 years.

I don't know if the peace that I've worked towards will last.

I don't know if the organizations that I'm working with will still be here years from now.

No one can know that. So I also worry if I'm really doing enough in this world.

Then he stopped and just looked at me and said, ''So I'm going to tell you about something that I do that has helped me. ''Every day I try to do things. Sometimes I'm not able to do it, but I always try. 2 things.''

I may know of someone who is ill, so I'll send some flowers and write a note.

Or I may know someone who has just lost a loved one, so I'll write something meaningful and look for a quote that I may have that may bring them some comfort.

It could be that I just went to a concert, saw a play, or an art exhibit and I was touched by it and I wanted to write something and say thank you.

As he was talking, I drifted off and thought about all of the notes I had received from my dad over the years—the notes telling me how great he thought I was in that play or how much he enjoyed having me at that Passover seder or how he always sent me flowers on my birthday with the most loving of cards. I wonder how many of you have received a note or two from my father.

He then continued, ''I try to do two things like that every day—2 things that are reaching out to someone who I can either appreciate or help or comfort or just say I love you to. Those things I try to do every day give me a feeling that I'm making a difference in the world and I find them very fulfilling—perhaps more fulfilling than any of the other things that I'm doing on a much grander scale.

Today, as I look at the people who are here—some of you may be here because you respect my father and admire his many public accomplishments—but I'll bet that most of you are here because you loved him. Maybe he touched you in a very personal and meaningful way that made you so appreciate him. Maybe you were a part of his ''2 things.''

That is what I think made our Dad, Sol Linowitz, the truly amazing man that he was.

And as we all think about his life and as we try to think about ways we can remember him, it may be that some of us might try to do 2 things every day—2 things for people we know in your own lives that might make them feel comforted or loved or appreciated, and we can think about Sol Linowitz every time we do that. And truly, I can't think of anything that would make him happier than knowing that the people he touched throughout his life are remembering him by doing kind things for others.

We have all been blessed by knowing Sol Linowitz.

WILLIAM BRODY

Some years back. John Updike wrote a short poem, titled ''Perfection Wasted.'' which begins with these words:

And another regrettable thing about death
is the ceasing of your own brand of magic,
which took a whole life to develop and market—

Ambassador Linowitz's life was so long, and so varied, and so full of marvelous adventures, that his own brand of magic was, as a result, inexpressibly unique.

Of course, there were many stories. Who could live through such times, and frequently be at the center of things, and not have stories to tell?

One time in the 1960s, when he was ambassador to the Organization of American States, he went on a particularly grueling trip through Central and South America accompanied by Lincoln Gordon, who had served as ambassador to Brazil and was assistant secretary of state for inter-American affairs, and was not far off from becoming the ninth president of Johns Hopkins University. They were making arrangements for a summit meeting that President Lyndon Johnson was planning to attend, so the hours were very long, the work was hard, and it involved traveling to many different countries in a very short period of time.

When they finally arrived back in the United States, they landed in San Antonio late in the evening, and were scheduled to report to President Johnson at his ranch the next morning. But at 11:30 at night the phone rang, and it was the President, who said, 'I want you out here tonight.' So Sol got out of bed, woke up Lincoln Gordon, and they got on a helicopter and flew out to the LBJ ranch in the middle of the night.

When they landed there was a station wagon waiting for them with a driver in the front seat. The helicopter people loaded the bags in the back of the station wagon, and then Sol and Lincoln Gordon climbed into the back seat. And the driver of the station wagon said, 'Welcome back home, Sol' and turned around and it was the President of the United States. With not a secret service agent anywhere in sight.

When Sol told that story, he said, you know, 'I've worked with several presidents. and there aren't many who would drive out in the middle of the night and pick someone up.'

Which is a story that says more, perhaps, about Sol Linowitz, than about Lyndon Johnson.

When someone of Ambassador Linowitz's stature and renown dies, the articles in the New York Times and the Washington Post have a favorite epithet they like to use: he or she was 'an advisor to presidents.' This signifies that these people were not only powerful, but also sagacious. That they had wisdom to share.

This was doubly true of Sol Linowitz, who shared his insights not only with United States presidents, but also, for many, many years with the presidents of a select and lucky few colleges and universities. I count myself as extremely fortunate to have been among that group, as were presidents Dan Nathans, Bill Richardson and Steven Muller before me at Johns Hopkins, and the presidents at Cornell University, Hamilton College, the University or Rochester and the Eastman School of Music, where he also serve as a trustee and advisor.

We were fortunate in one respect because of Sol's often shrewd analysis and penetrating insights. When Bill Clinton awarded Ambassador Linowitz the Presidential Medal of Freedom in 1998, he said ''Receiving advice from Sol Linowitz . . . is like getting trumpet lessons from the angel Gabriel.'' And he was right.

Sol was the quintessential Renaissance man: distinguished lawyer, businessman and statesman, part-Rabbi, part-psychiatrist. Sol was an accomplished violinist. But above all, he was a true scholar. His passion for learning enhanced the depth of his wisdom, compassion and insight into people's behavior. And to this day, I have never met anyone other than Sol who had given a college salutarian address at commencement in Latin.

Sol Linowitz truly admired and valued higher education. He was a champion of America's colleges and universities. He believed that what we do is not only important, but it also serves a higher cause. Later

in his life he would say that when he enrolled in Cornell Law School during the Great Depression, he went there ''burning with a desire to do good.'' Colleges and universities, he believed, could be instruments of social justice. They could be bastions not only of learning, but also of the will to do that which is needful and right.

Many years back, long before the cost and expense of a college education had become a national obsession, Sol wrote an article titled 'A Liberal Arts College is Not a Railroad' in which he very eloquently defended the utility and need for a liberal education, even as it became more and more costly. At one point in the article he wrote the following: 'A college may offer a course in Persian history, for example, which only five students will attend during a particular term. Should we abolish the course? Or should we hope that the few students who do learn something of Persian history will thereby become uniquely qualified to perform some important service for which this particular aspect of their education has especially fitted them?'

There he was; years and years ago, saying that it may not appear needful, but that someday we may want to have some people around who knew the history and culture of Persia—modern day Iran. How prescient that was. How thoughtful. And how like Sol Linowitz.

Which is why today, though we have come to celebrate a life lived greatly, yet we cannot help but feel saddened that one like this has passed from our midst. Sol's brand of magic cannot be replaced. And John Updike, ending his poem, says it all:

The jokes over the phone.
The memories packed in the rapid-access file.
The whole act.
Who will do it again? That's it: no one; imitators and descendants aren't the same.

MARTIN MAYER

I am grateful to Robert Linowes for this opportunity to give public thanks for forty years of friendship with his brother Sol.

When I met Sol he was the non-executive chairman of the board of Xerox and the senior partner in a Rochester law firm built significantly but by no means entirely on work for Xerox. Bobby Kennedy and James Perkins, president of Cornell, had suggested to The New York Times that Sol would be a good candidate for the Democrats to run against Nelson Rockefeller for Governor of New York in 1966, and Sol had not yet declined the invitation. So the Times asked me to write a profile of this unknown fellow in Rochester who had so brilliantly used the patent laws and the anti-trust laws to give his friend Joe Wilson's little company so large a lead worldwide in the burgeoning business of copying. But Sol did not define himself as a businessman. He was first of all an attorney, and as such, like Brandeis, he was always a professional who had clients, never just somebody's lawyer.

Joe Wilson wanted Sol at his side as Lyndon Johnson and Jimmy Carter, various secretaries of state and the clients of Coudert wanted him in later years, because his judgment was always intelligent, widely focused, uncontaminated by self-interest, and responsive to the problem. And generous. Sol was a great man, but also—it is not a common combination—a good guy. He was always looking for nice things to say about someone, and even when he couldn't find any—which happened—he remained reluctant to speak ill of anyone.

I worked with him on his memoirs and again only a dozen years ago on his book The Betrayed Profession, his cry of anguish at the dessication and corruption of lawyering. I told him I would help on this book only on his promise that when the book was published there would be people at the 1925 F Street Club who would no longer smile at him when he walked through the door. Instead, they had to tear down the F Street Club.

Especially when dealing with questions of urban blight, social justice, hunger and the obligations of successful businesses, which he did from leadership positions, Sol could slip into the trite and true, but he had a gift of expression and an occasionally puckish irreverence. My favorite Linowitz line was his last laugh at Arthur D. Little, which had saved Xerox from the bear-hug of IBM by telling IBM that there wasn't going to be any mass demand for copying machines. In the Xerox case, Sol said, ''invention was the mother of necessity.''

Having pulled off the near miracle of negotiating the Panama Canal Treaty and selling it to the Senate, Sol was lured by Jimmy Carter after the first Camp David accord to take charge of closing the deal with Anwar Sadat and Menachim Begin. He hung on his wall at the State Department Casey Stengel's comment on the Mets, ''They say you can't do it, but sometimes that doesn't always work.'' Arafat, as people forget, was not then in the picture. In late 1980—and, indeed, the last time we talked about it, only a couple of years ago—Sol thought he was close to a deal that Begin and Sadat could sign, including his invention of a ''religious sovereignty'' that would allow Muslims to place a Muslim flag, not a national flag, over the Muslim holy places on Israeli soil (''What does 'religious sovereignty' mean?'' Begin asked, and Sol replied, ''Exactly'')—but Ronald Reagan and Alexander Haig thought it best to let the Middle East stew in its own bloody juice; and Sol, still a young man at 67, went back to the practice of law and the chairing of civic organizations.

One thought he would always be around, to call and ask how a book was coming or to tell me what great things he'd heard my wife was doing as the American executive director of the IMF, to which she had been appointed in part because he had lobbied Lloyd Bentsen on her behalf. ''You know,'' he'd say, ''people talk to me.'' And so they did: this city is full of people whose balance was restored by talking with Sol. His lesson was that straightforwardness can get you there. Of course nobody is always around, and Sol wouldn't have wanted to be forever. Not fair; you have to get out of the way and make room for the next crowd. But there won't be a Sol Linowitz in the next crowd; there was only one of those.

R. ROBERT LINOWES

We are here today to say good-bye and pay tribute to a great human being—Sol Myron Linowitz.

As most of you know, Sol was my brother. He was also my closest friend and confidant. I admired Sol for many reasons. He lived an exemplary and productive life. Much has justifiably been said and written about his remarkable, history-making achievements.

I'd like to just take a few minutes to talk about him—as a person, as a brother, and as a man.

Sol sincerely cared about people and wanted to do whatever he could to help. His compassion, his thoughtfulness and his humility will be well-remembered by many. His advice and counsel were constantly sought by people from all walks of life, and he gave freely of his time and efforts. He listened when people spoke to him, and he paid attention. He tried to help everyone who called upon him, and if he couldn't do it himself, he tried to enlist others who might be of help. I know—I received a number of those calls to be of assistance.

He had an unparalleled sense of humor, and his story-telling and quips were memorable. He was much sought after as a speaker.

Many of you are aware that our family is very close. We are each available and responsive when any one of us needs help or guidance—and that includes not only the brothers, Sol, Dave and Harry, and our wives, Toni, Dorothy, Ada, and Judy, but also all the sons and daughters, and nieces and nephews—quite a tribe, I might add. Sol was particularly nurturing of this relationship and continually showed it.

Sol and I, however, had a special relationship. We would meet once or twice each week for lunch at the Hay Adams or the Cosmos Club, and solve all the problems of the city, the Nation, and the world. Unfortunately, those solutions rarely got any farther than our table.

For more than 40 years, Toni and Sol, and Ada and I would vacation together, generally twice a year.

I remember every so often when things got a little boring, we would be. sitting at a table or in a room with a number of people around, none of whom obviously knew us, and Sol and I would start talking to each other loudly in a made-up language. We would talk with great animation and conviction for about 15–20 minutes. You could see people looking at us oddly, trying to understand who we were and what we were saying. Meanwhile, our wives were trying to distance themselves from us as much as possible.

When we travelled together, it was our regular practice to exercise in the morning. I remember once on a cruise, Sol was taking his exercise walk around the deck, while I was in the fitness center on the treadmill. Later over breakfast, Sol told me he looked in the window of the fitness center and was amazed that there were six men all walking at the same intensely vigorous pace as I. He marveled even more that they all had the same shiny bald spot on the backs of their heads. I told him that was impossible—there was nobody else in there. He was adamant and demanded that we go up to the fitness center to see. We made our usual bet of $100,000. As it turned out, Sol had observed me reflected six times in the fitness center mirrors. He used some convoluted logic to avoid paying the debt.

We used to kid and get kidded often about the change of names. I claimed he changed his name and he would point to me and respond—How could anyone blame him with a brother like me. I recall a dinner at which I was being honored by The National Conference of Christians and Jews. Sol had been similarly honored some years previously, and he was asked to make the presentation. He noted in his introduction that he was not sure whether or not this was the first time two brothers had received this honor, but he was certain that it was the first time that two brothers with different last names had received this award.

Sol and I would talk on the phone frequently. It was one of the highlights of the day. We would often call to tell each other a story, or just talk, and often we would break out in uncontrollable laughter, and not be able to continue the conversation. People who would walk by my office thought I needed an ambulance—or a strait jacket.

Let me just mention one other part of Sol's life that is not generally known. We do know that Sol played the violin and played it well, but what many of you do not know is that during summer vacations when he was attending Hamilton College, Sol organized, led, and played in a band in one of the small hotels located at a New Jersey beach.

The name of that outstanding entertainment enterprise was Chick Lynn and his Chickadees. Sol never included that in his bio.

Sol and Toni were married 67 years and it remained a love story from start to finish. Toni committed and dedicated herself completely to him, and Sol to her. Toni rarely left his side the last year of his life while he was in failing health.

Sol loved his four daughters and their husbands. He regarded them not as sons-in-law, but rather as sons. His grandchildren were the light of his life. He suffered terribly at the tragedy endured by Judy.

Many people strive to leave this world a better place than when they entered it. Sol was one of the few who actually did. For this, we all owe him a debt of gratitude.

All of us have been most fortunate to have had the opportunity to know Sol and to love him. All of us have benefited from that relationship. All of us will sorely miss him. The world has lost a great man, and I have lost my best friend.

Closing Prayer

Rabbi Wohlberg and Hazzan Tenna Greenberg

Exalted, compassionate God,
Grant infinite rest, in your sheltering Presence,
Among the holy and the pure,
To the soul of Sol Linowitz
Who has gone to his eternal home.
Merciful One, we ask that our loved one find perfect peace in Your eternal embrace.
May his soul be bound up in the bond of life.
May he rest in peace.
And let us say: Amen.●

AIDS

● Mr. SMITH. Mr. President, I discuss the recent announcement by the Centers for Disease Control and Prevention that the number of Americans living with HIV has now surpassed 1 million. An estimated 1.039 million to 1.185 million people nationwide were HIV-positive as of December 2003, an increase over the estimated 850,000 to 950,000 cases at the end of 2002. While the number of persons with HIV in my state of Oregon is small relative to other states, Oregon still saw an 85 percent increase in the number of cases between 2002 and 2003. Not since the height of the AIDS epidemic in the 1980s has there been so many Americans living with this terrible disease.

The latest estimate reveals both our success and failure at combating this disease. On a positive note, the increase reflects the significant advances in antiretroviral drug therapy that have allowed persons diagnosed with HIV to live longer, healthier lives. On the other hand it also reflects our shortcomings in preventing the spread of this disease. Despite the Federal government's goal to cut in half the number of new HIV cases each year, the figure continues to hold steady at about 40,000—the same rate of infection as in the 1990s. Moreover, some researchers believe that the number of new infections may actually be as high as 60,000 a year.

To be fair, responsibility for reducing the spread of HIV does not rest solely with the Federal government. According to the CDC, those at highest risk of contracting HIV have become far too complacent in their behavior, particularly as it relates to the practice of safe sex. Nevertheless, there is much the Federal government can do to help stem the spread of HIV.

One way to reduce the number of new HIV cases is to ensure that those infected with HIV have access to treatment. Such treatments not only prevent individuals from developing full-blown AIDS, but also significantly lower the risk of transmitting the disease to others. Unfortunately, the cost of these treatments is prohibitive, especially for those who are uninsured or underinsured. For this reason, it is critical that Congress reauthorize and bolster the Ryan White Care Act this year. Among other things, the act includes the vitally important AIDS Drug Assistance Program, ADAP, which helps low-income and uninsured HIV/AIDS patients afford their costly drug treatments. An estimated 150,000 people—30 percent of all Americans receiving treatment for HIV currently receive their care through ADAP. Even with this program, however, States and local communities are overwhelmed. That is why I am requesting that Congress provide an additional $300 million for ADAP for the 2006 fiscal year.

As successful as ADAP has been, critical gaps in our approach to HIV treatment and prevention remain. For example, HIV positive individuals have access to treatment under Medicaid only after they have developed full-blown AIDS. To remedy this flaw, I introduced the Early Treatment for HIV Act, ETHA, S. 311, with Senator HILLARY CLINTON. By providing access to HIV therapies before such persons develop AIDS, ETHA would reduce overall Medicaid costs and, as important, reduce the likelihood of additional infection.

By reducing the amount of virus in the bloodstream, early access to HIV therapies is a key factor in helping curb infectiousness and reducing HIV transmission. Strengthening ADAP and enacting ETHA will help put us on the right track to providing both adequate treatment for those with HIV, as well as reducing the number of new HIV cases.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1042. An act to amend the Federal Credit Union Act to clarify the definition of net worth under certain circumstances for purposes of the prompt corrective action authority of the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–87 A joint memorial adopted by the Legislature of the State of Washington relative to the importation of Canadian beef and the reestablishment of export markets for United States beef; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 8010

Whereas, On January 4, 2005, the United States Department of Agriculture proposed a rule to reopen on March 7, 2005, the United States border to the importation of Canadian live cattle and processed beef products; and

Whereas, On January 11, 2005, Canada announced that yet another cow in Alberta tested positive for bovine spongiform encephalopathy (BSE); and

Whereas, The United States Department of Agriculture has dispatched a technical team to Canada to investigate the circumstances that resulted in this additional infection including effective enforcement by Canada of the 1997 ruminant-to-ruminant feed ban; and

Whereas, The only incident in the United States where a cow tested positive with BSE

was on December 23, 2003, and that animal originated in Canada and unfortunately was shipped into Washington State; and

Whereas, The severe ramifications caused by this single animal was the closure by many foreign markets to beef produced within the United States; and

Whereas, Although progress has been made in reestablishing trust with our Asian trading partners, many of these bans to the import of beef from the United States continue in effect thirteen months after this single incident; and

Whereas, Even though the United States has commenced a major BSE testing program and no cattle indigenous to the United States have been detected to have BSE, once these foreign markets are closed, they have remained closed for prolonged periods of time; and

WHEREAS, Consumers in the United States continue to have confidence in beef produced in the United States and maintaining the safety of food supplies is the paramount concern to state and federal governmental officials; and

Whereas, Reestablishing trust with our trading partners and reopening export markets is of paramount importance to the American beef industry; and

Whereas, On February 25, 2005, the United States Department of Agriculture announced the results of the ''science-based'' decision to adopt the rule to lift the ban on importation of Canadian beef, for which a temporary injunction was immediately issued against the United States Department of Agriculture decision by a federal district court on February 28, 2005, and for which the United States Senate approved on March 3, 2005, Senate Joint Resolution 4 to nullify the United States Department of Agriculture rule: Now, Therefore, Your Memorialists respectfully pray that the United States Department of Agriculture: (1) Reaffirm to the Congress and the courts that the rule to lift the limited ban on importation of Canadian beef is based on sound scientific proof that consumer safety and animal health in the United States will be maintained; and (2) redouble its efforts to swiftly and successfully conclude negotiations with our trading partners to reestablish critical export markets for United States beef based on the same sound science, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the United States Department of Agriculture, Mike Johanns, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–88. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the awarding of the Congressional Medal of Honor; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 146

Whereas, First Lieutenant Garlin Murl Conner was a native of Clinton County, Kentucky, who served with distinction and valor in the United States Army during World War II; and

Whereas, Kentucky Congressman Ed Whitfield has introduced H.R. 605 in the 109th Congress to authorize the President to award a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner; and

Whereas, Lieutenant Garlin Murl Conner is Kentucky's most decorated war hero, who served on the front lines for more than eight hundred days in eight major campaigns; he was wounded seven times, but returned to combat and continued to fight on the front lines after each incidence; and

Whereas, during World War II, more than forty 3rd Division soldiers received Medals of Honor, more than any other Division; however, Lieutenant Garlin Murl Conner was not awarded the Medal of Honor due to an oversight and a failure to process the paperwork; and

Whereas, Lieutenant Conner served in the 3rd Infantry Division with Audie L. Murphy, America's most decorated war hero; compared to Audie L. Murphy, Lieutenant Conner was awarded more Silver Stars for acts of valor, fought in more campaigns, served on the front lines for a longer period of time, and was wounded more times. Lieutenant Conner was awarded many honors, including the Distinguished Service Cross, the Silver Star with three Oak Leaf Clusters, the Bronze Star, the Purple Heart with six Oak Leaf Clusters, and other medals; and

Whereas, on June 20, 1945, Lieutenant Conner was awarded the Croix de Guerre, the French Medal of Honor, which was also awarded to Sergeant Alvin C. York, America's most decorated World War I soldier. Lieutenant Conner and Sergeant York were friends who lived only a few miles apart on the Kentucky-Tennessee border; and

Whereas, Stephen Ambrose, America's foremost World War II historian, founder of the D-Day Museum in New Orleans, Louisiana, and author of many books, wrote on November 11, 2000, ''I am in complete support of the effort to make Lieutenant Garlin M. Conner a Medal of Honor recipient. What he did in stopping the German assault near Houssen, France, in January, 1945, was far above the call of duty. I've met and talked at length with many Medal of Honor recipients and am sure they would all agree that Lieutenant Conner more than deserves the honor of joining them''; and

Whereas, on April 3, 2001, the 3rd Infantry Division leaders named the new EAGLE BASE in Bosnia-Herzegovina after Lieutenant Conner because of his gallantry in World War II and because ''It's a company-grade forward operating base named after a soldier with a company-grade rank''; and

Whereas, Richard Chilton, a former Green Beret from Genoa City, Wisconsin, has been on a mission since 1996 to have the Medal of Honor awarded to Lieutenant Conner; his research has documented that Lieutenant Conner is one of the great combat heroes of World War II, equal in every way to Audie Murphy; and

Whereas, Mr. Chilton has made presentations to dozens of schools about Lieutenant Conner's war record and has copies of over 2,500 letters written by students to President George W. Bush requesting the Medal of Honor be awarded to Lieutenant Conner; after reviewing Mr. Chilton's information, a host of war veterans have written Congress requesting passage of legislation to award the Medal of Honor to one of America's greatest Citizen Soldiers, Lieutenant Garlin Murl Conner: Now, therefore, be it

Resolved by the House of Representatives of the One Hundred Fourth General Assembly of the State of Tennessee, the Senate Concurring, That this Body urges the United States Congress to enact legislation authorizing the President to posthumously award a Medal of Honor to First Lieutenant Garlin Murl Conner, United States Army, be it further

Resolved, That enrolled copies of this resolution be delivered to: Congressman Duncan Hunter, Chairman of the House Armed Services Committee; the Speaker and the Clerk of the House of Representatives of the United States; the President and the Secretary of the Senate of the United States; each member of the Tennessee Congressional Delegation; and the widow of First Lieutenant Garlin Murl Conner, Mrs. Pauline W. Conner.

POM–89. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Youngstown Joint Air Reserve Station in Vienna Township, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 13)

Whereas, the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is the home of the 910th Airlift Wing and supports national objectives by providing mission-ready C–130 airlift forces, state-of-the-art C–130 aerial spray capability, and a premier air reserve station with modern facilities as a part of its mission. The Station also hosts a Navy-Marine Corps Reserve Center; and

Whereas, In addition to its mission, 910th Airlift Wing participates in a variety of community events, including the unit's ''Pilot for a Day'' program; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the Youngstown Air Reserve Station and the surrounding communities that support the station; and

Whereas, The Youngstown Joint Air Reserve Station is a key component of the community, having approximately 1,300 drilling members in the 910th Airlift Wing and hosting approximately 400 Naval and Marine Corps Reservists: Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the Youngstown Joint Air Reserve Station and firmly believes that the Station should not be included in the Defense Base Closure and Realignment Commission's list of proposed installations to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this station is not included in the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–90. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the Wright-Patterson Air Force Base from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 11)

Whereas, Wright-Patterson Air Force Base is one of the largest and most complex air force bases in the United States and has a wide range of missions, including handling many diverse defense-related activities and developing the weapons systems of the future; and

Whereas, Wright-Patterson Air Force Base is the birthplace of aeroscience and is a leader in aerospace research for the Air Force, as the base includes the Air Force Research Laboratory, the foremost aeronautical and aerospace research organization in the Air Force; and

Whereas, Thousands of students train each year at the Air Force Institute of Technology and millions of people visit the Air Force Museum, both of which are located at the base, and both aid in the economy of the region; and

Whereas, Wright-Patterson Air Force Base is the fifth largest employer in Ohio, employing approximately 22,000 people, and the

closure of this base would have a devastating economic impact in the local community and the state; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect Wright-Patterson Air Force Base and the surrounding communities that support the base; now therefore be it

Resolved, That the 126th General Assembly of the State of Ohio supports Wright-Patterson Air Force Base and firmly believes that the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in. the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–91. A resolution adopted by the General Assembly of the State of Ohio relative to the funding of the Joint Systems Manufacturing Center in Lima, Ohio through the Base Realignment and Closure process; to the Committee on Armed Services.

(SENATE CONCURRENT RESOLUTION NUMBER 7)

Whereas, The Joint Systems Manufacturing Center in Lima, Ohio, formally known as the Lima Army Tank Plant, produces a variety of anned combat vehicles and defense systems for the Army, Navy, and Marine Corps; and

Whereas, The Joint Systems Manufacturing Center is the only tank production facility in the United States and has the largest machining and fabrication product envelope in the United States Department of Defense; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the Joint Systems Manufacturing Center and the community of Lima that supports the Center; and

Whereas, The Joint Systems Manufacturing Center employs approximately 700 individuals and has an annual economic impact of $246 million; Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the Joint Systems Manufacturing Center in Lima, Ohio, and memorializes Congress to take appropriate action so that funding to the Center is not reduced through the Base Realignment and Closure process; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–92. A joint resolution adopted by the Legislature of the State of California relative to the Lemoore Military Operations Area (MOA) Initiative; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 1

Whereas, The United States Navy at Naval Air Station (NAS) Lemoore in joint partnership with the California Air National Guard (CANG) 144th Fighter Wing, Fresno, have proposed the establishment of a new Military Operations Area. (MOA) over NAS Lemoore to satisfy many critical national defense training requirements, the Lemoore MOA Initiative; and

Whereas, The current price of military aircraft training in the existing training environment is substantial. The cost per flight hour of military aircraft is high. The current need to travel long distances to secure needed training requires large amounts of fuel and time to transit to and from the training location. Current training locations are increasingly crowded with other joint users of the training airspaces, which interferes with the quality of training and the safety of these training events. The current need of our military personnel to travel within the United States to secure needed training unavailable in the current training environment increases their time away from home, in a time where they are already overtaxed with overseas commitments; and

Whereas, The benefits of training in the new Lemoore MOA would be substantial because pilots would train closer to home base and reduce the costs of longer transits to existing training locations. The establishment of an additional, new training airspace location would relieve the pressure on the existing training locations increasing their training quality and safety. Our military personnel would have reduced requirements to travel away from home to secure needed training. It is estimated that up to 30 million taxpayer dollars annually could be saved or better utilized in training for national defense requirements. The increase in military service member morale resulting from fewer training deployments from home would also be significant; and

Whereas, The existing NAS Lemoore Air Traffic Control (ATC) airspace already exists and is approximately 30 nautical miles by 70 nautical miles to support current NAS Lemoore airport operations. The Lemoore MOA Initiative would allow tactical training flights inside this existing airspace. No supersonic, weapons employment, or aggressive maneuvering flights over populated areas will be allowed in the new airspace; and

Whereas, It is estimated that the high altitudes of the desired training flights and the sparsely populated rural environment of the land below the Lemoore MOA will have minimal environmental impact. To ensure this, the Navy in cooperation with the Federal Aviation Administration (FAA) is completing an Environmental Assessment (EA). The Lemoore MOA would not increase air emissions for the State Implementation Plan. Military training flights over the Sierra Nevada Mountains, including wilderness areas and the Sequoia and Kings Canyon National Parks, could be reduced if some of these flights were redirected to the Lemoore MOA; and

Whereas, The impact of the Lemoore MOA Initiative on the current civilian air traffic environment is considered minimal. The Navy in conjunction with the FAA is completing an operational analysis on both military and civilian air traffic patterns within the vicinity of NAS Lemoore. The footprint of the Lemoore MOA does not impact most air traffic flows; and,

Whereas, Both the Navy and FAA are conducting outreach programs to the civilian aviation community to explain that the Lemoore MOA Initiative will allow for simultaneous military and civilian use of designated training airspace. These outreach programs are also informing civilian pilots that the Lemoore MOA will be managed in real time in an effort to prevent a conflict between military and civilian aircraft: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to support the establishment of the Lemoore Military Operations Area, for joint use by military aircraft from both the Naval Air Station Lemoore and the California Air National Guard, Fresno; and be it further

Resolved, That the California Legislature requests that the Federal Aviation Administration approve the creation of the Lemoore MOA as quickly as possible and that the California Congressional delegation pursue all efforts to ensure that the Lemoore MOA is established; and be it further

Resolved, That the Secretary, of the Senate transmit copies of this resolution to the President and Vice President of the United States, each Senator and Representative from California in the Congress of the United States, the Administrator of the Federal Aviation Administration, the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and both author for appropriate distribution.

POM–93. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to Federal Community Block Grant Funding for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION

Whereas, the federal Community Development Block Grant Program (Program) was initiated with the passage of the Housing and Community Development Act of 1974, Public Law 93–383, and is one of the oldest programs in the Department of Housing and Urban Development (HUD); and

Whereas, the Program provides annual grants on a formula basis to many different types of grantees through several programs such as:

(1) Entitlement Communities, which provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons;

(2) State Administered Community Development Block Grant, which awards grants only to units of general local government that carry out development activities in participating states that develop annual funding priorities and criteria for selecting projects;

(3) Section 108 Loan Guarantee Program, which allows Program entitlement communities to apply for a guarantee, and is available to Program non-entitlement communities if its state agrees to pledge the block grant funds necessary to secure the loan;

(4) Department of Housing and Urban Development-Administered Small Cities Program for non-entitlement areas in the State of Hawaii directly administered by HUD's Hawaii State Office in Honolulu;

(5) Insular Areas Program, which provides grants to four designated areas, including American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands;

(6) Disaster Recovery Assistance, in which HUD provides flexible grants to help cities, counties, and states recover from disasters declared by the President, especially in low-income areas, subject to availability of supplemental appropriations;

(7) Colonias, which allows Texas, Arizona, California, and New Mexico to set aside up to ten percent of their state Program funds for use in colonias; and

(8) Renewal Communities/Empowerment Zones/Enterprise Communities, a program with an innovative approach to revitalization, bringing communities together through

public and private partnerships to attract the investment necessary for sustainable economic and community development; and

Whereas, to be eligible, not less than 70 percent of the Community Development Block Grant funds must be used for activities that benefit low- and moderate-income persons over a one-, two-, or three-year period selected by the grantee; and

Whereas, all activities must meet one of the following national objectives to be eligible for the Program: (1) Benefit low- and moderate-income persons; (2) Prevention or elimination of slums or blight; and (3) Community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community; and

Whereas, the Program works largely without fanfare or recognition to ensure decent affordable housing for all, to provide services to the most vulnerable in our communities, and to create jobs and expand business opportunities; and

Whereas, the Program is an important tool in helping local governments tackle the most serious challenges facing their communities and has made a difference in the lives of millions of people living in communities all across this country; and

Whereas, the fiscal year 2006 budget offered by the Bush Administration eliminates the Program in its entirety by combining it along with 17 other programs into two new programs, reducing funding for the consolidated programs to $3,700,000,000 and moving them to the Department of Commerce, which has no experience in community development; and

Whereas, the City and County of Honolulu, and the counties of Hawaii, Maui, and Kauai all receive Program grants from HUD and have used the grants to provide a plethora of much-needed facilities and services that have benefited low- and moderate-income household across the State; and

Whereas, elimination of the Program has been denounced by the United States Conference of Mayors, National Association of Counties, National Association of Housing and Redevelopment Officials, National League of Cities, National Community Development Association, and Local Initiatives Support Corporation: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, That the Legislature expresses its strong support of the Program and urges the United States Congress not to cut federal Program funding as proposed by the Bush Administration in the fiscal year 2006 federal budget and to support its restoration into the HUD budget at its current funding level of $4,700,000,000; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, Vice-President of the United States, Speaker of the United States House of Representatives, members of Hawaii's Congressional delegation, HUD Assistant Secretary for Public and Indian Housing, the Governor, and mayor of each county.

POM–94. A joint resolution adopted by the House of the Legislature of the State of Utah relative to financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION 1

Whereas, the financial institution industry is a critical part of Utah's economy;

Whereas, the state is benefitted by and relies upon a diversity of financial institutions within the state including the existence of a strong credit union industry and a healthy commercial bank industry;

Whereas, nationally, the competitive environment for banks and credit unions has changed significantly since the first credit unions were formed in the early 1900's;

Whereas, the rise and scope of federal credit unions is rooted in the Federal Credit Union Act of 1934, as amended over the years;

Whereas, the early credit unions started as small groups of people who shared a close and meaningful ''common bond'' such as occupations, the neighborhood where they lived, or a church they attended;

Whereas, such persons were less able to obtain loans from other financial institutions because of low income and the perceived high risk of default and were, therefore, especially vulnerable to usury lending practices by those that might unfairly take advantage of such conditions;

Whereas, a credit union chartered in this state is required to be a cooperative, nonprofit association, incorporated to:

(1) Encourage thrift among its members; (2) create sources of credit at fair and reasonable rates of interest; and (3) provide an opportunity for its members to use and control their resources on a democratic basis in order to improve their economic and social condition;

Whereas, Congress has previously found that: (1) The credit union movement in America began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means; (2) maintaining a meaningful affinity or common bond between members is critical to the fulfillment of the public mission of credit unions including promoting thrift and credit extension; and (3) credit unions are exempt from federal and most state taxes because they are member-owned, democratically operated, not-for-profit cooperative organizations generally managed by volunteer boards and because they have historically had the specified mission of meeting the credit and savings needs of their members, especially persons of modest means;

Whereas, financial institutions are subject to regulation by different federal governmental entities depending on their structure, charter, and identity as financial institution;

Whereas, the National Credit Union Administration charters and regulates federally chartered credit unions and as insurer oversees state chartered credit unions;

Whereas, commercial banks are subject to a variety of federal regulators depending on their charter including the Office of the Comptroller of the Currency, the Federal Reserve Board, or the Federal Deposit Insurance Corporation;

Whereas, the National Credit Union Administration has expanded its determination of what has historically constituted a well-defined local community for purposes of defining a field of membership to include large geographic areas;

Whereas, the broad field of membership established by the National Credit Union Administration allows state chartered credit unions to easily convert to a federal charter, allowing for: (1) Differences in tax treatment of federally chartered credit unions; and (2) differences in the regulations of member business lending;

Whereas, the U.S. Supreme Court held in 1998 that the original intent of the Federal Credit Union Act was to require a more narrow interpretation of credit unions' common bond and field of membership than what now exists under legislation adopted by Congress;

Whereas, commercial banks are subject to taxes on the federal, state, and local level;

Whereas, under the Internal Revenue Code, federal or state, chartered credit unions are exempt from paying federal income taxes;

Whereas, under the Federal Credit Union Act, as amended in 1937, states are prohibited from imposing certain taxes on federal credit unions;

Whereas, in Utah, federally chartered and state chartered credit unions do not pay state income taxes;

Whereas, credit unions pay property taxes;

Whereas, federally chartered credit unions do not pay sales and use taxes;

Whereas, the state and not the federal government should control and determine public policy affecting, the imposition of state taxes;

Whereas, all taxes on financial institutions, including both credit unions and commercial banks, should be examined to determine whether a different and more principled approach to taxing could lessen the tax burden wherever possible;

Whereas, federal tax policies and regulations related to financial institutions can result in the erosion of state and local tax bases;

Whereas, the possible erosion of the state tax base because of federal tax policy and regulations related to financial institutions can result in lost revenues to the state;

Whereas, the loss of revenues to the state impacts the state's ability to meet the essential needs of its citizens including the funding of education;

Whereas, all income tax revenues collected by the state are constitutionally dedicated in Utah to funding education;

Whereas, the funding of education is a top priority of the Legislature and, therefore, all exemptions from paying income tax are carefully scrutinized by the Legislature;

Whereas, the federal encroachment into state policy areas regarding financial institutions is not limited to taxation but also includes preemption of state regulation of the business activities of financial institutions within the state;

Whereas, this federal encroachment raises constitutional issues under the 10th Amendment and the Supremacy Clause; and

Whereas, the Financial Institutions Task Force has found that because of the conversion of many state chartered credit unions to federally chartered credit unions, significant issues of tax policy and competitive fairness among financial institutions now need to be addressed at the federal level: Now, therefore, be it

Resolved, That the Legislature of the state of Utah affirms its decision to differentiate between traditional credit unions and those that have lost a meaningful affinity or bond and encourages Congress to consider a similar approach; and be it further

Resolved, That the Legislature urges Congress to examine the rulings of the National Credit Union Administration regarding ''common bond'' and field of membership to determine whether those rulings are over broad and inconsistent with the original intent of the Federal Credit Union Act; and be it further

Resolved, that the Legislature urges Congress to recognize and affirm the authority of states and local governments to determine whether federally chartered credit unions may be taxed the same as state chartered credit unions according to state law and related policy considerations; and be it further

Resolved, That the Legislature urges Congress to provide a principled, fair, and equitable tax structure for financial institutions, including credit unions and commercial banks alike, that allows the states to determine what state and local taxes shall apply to financial institutions whether state or federally chartered; and be it further

Resolved, That once a principled, fair, and equitable tax structure for financial institutions is adopted, Congress should examine whether the economic circumstances have changed since the enactment of the Federal

Credit Union Act such that credit unions should have a broader role in the current financial marketplace; and be it further

Resolved, That the Legislature requests that if Congress elects to retain the current tax structure for financial institutions unchanged, it provide Utah and other states with a reasoned explanation for maintaining that tax structure without alteration; and be it further

Resolved, That the Legislature requests that Congress in determining monies provided to the state by the federal government for programs, including education programs, take into account revenues that may be lost to the state as a result of federal tax policy and regulations related to financial institutions; and be it further

Resolved, That the Legislature urges Congress to fully and carefully consider the principles, policies, circumstances, and conditions, identified and referenced in this resolution and promptly act as needed in order to remedy the same; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–95. A concurrent resolution adopted by the Legislature of the State of Utah relative to honoring an individual for preserving the Range Creek Area; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 10

Whereas, a ranch straddling remote Range Creek, a tributary of the Green River, and spreading to a nearby plateau, was recently sold by Waldo Wilcox, to the Trust for Public Land, a conservation group;

Whereas, with key funding appropriated by the United States Congress and the Utah Quality Growth Commission, and extensive lobbying for the purchase by the Sportsmen for Fish and Wildlife, the ranch was subsequently acquired by the state of Utah;

Whereas, the archaeological and cultural significance of the land contained on the ranch is extraordinary because an estimated 2,000 to 5,000 archaeological sites, most in excellent condition, are located on the 4,350 acre property;

Whereas, what makes Range Creek unique is that most of the archaeological sites obtained by the state are pristine because the Wilcox family vigilantly protected the land from vandals since acquiring the land more than 50 years ago;

Whereas, much of Range Creek is believed to have been inhabited a thousand years ago by pre-Columbian cultures, including the Fremont and the Archaic;

Whereas, radiocarbon tests date the village and rock shelter sites to between 1000 A.D. and 1200 A.D., and analysis of projectile points and pottery, using dates of known styles, shows the same range;

Whereas, the finds include individual pit houses, villages, arrowheads, shafts, granaries, pottery, basketry, and scattered rock art, the latter often representing otherworldly human figures, pecked spirals, and sheep figures;

Whereas, these items are found in areas that are at times green and pasture-like and at other mostly barren, with sparse desert vegetation;

Whereas, teams of volunteers and archaeologists have been documenting the sites, some of which are in the lower area beyond the ranch boundaries and have been raided and damaged by vandals;

Whereas, most of the sites on the property, however, are pristine and literally untouched;

Whereas, the Utah Division of Wildlife Resources manages the land, which is protected by a conservation easement controlled by the Utah Department of Agriculture and Food and the Utah Division of Forestry, Fire and State lands;

Whereas, the state is developing a management plan for the gated property, involving wildlife managers and other partners, that may include regulated public access;

Whereas, the Range Creek property is not only an incredible archaeological resource, it is also a wildlife haven, with wild turkey, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and other important species;

Whereas, the creek itself could be developed as a blue ribbon trout fishery;

Whereas, the work of Waldo Wilcox to protect the land from vandals makes the archaeological sites unique and extraordinarily valuable now and for generations to come; and

Whereas, Waldo Wilcox's efforts symbolize the spirit of service and recognize the value of history to modern times: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, honor Waldo Wilcox for his tireless efforts to protect the archaeological sites on his former property along Range Creek for the benefit of future generations; and be it further

Resolved, That the Legislature recognize Waldo Wilcox's determination to preserve the state's history and make it possible for great advancements to be made in the understanding of early cultures in Utah; and be it further

Resolved, That a copy of this resolution be sent to Waldo Wilcox, the Utah Division of Wildlife Resources, the Utah Division of Forestry, Fire and State Lands, the Utah Department of Agriculture and Food, the Utah Quality Growth Commission, Sportsmen for Fish and Wildlife, the Trust for Public Land, and the members of Utah's congressional delegation.

POM–96. A joint resolution adopted by the Legislature of the State of Utah relative to space exploration; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

Whereas, when Christopher Columbus made his voyages across the Atlantic in the 15th and 16th centuries, his ships carried the inscription ''Following the light of the sun, we left the Old World'';

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus, from New World pioneers and American frontiersmen to the Apollo space program;

Whereas, just as Lewis and Clark could not have predicted the settlement of the American West within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance;

Whereas, the desire to explore is part of the national character, and history has shown that space exploration benefits all humankind through new technologies for everyday application;

Whereas, new jobs formed across the entire economic spectrum have been created as a result of space exploration, along with new markets and commercial products;

Whereas, space exploration has inspired and educated many across the world, has enhanced United States leadership, has increased security, and has left a legacy for future generations;

Whereas, since its inception in 1958, the National Aeronautics and Space Administration (NASA) has accomplished many great scientific and technological feats, in addition to advancing humankind's knowledge of the Earth and the universe;

Whereas, on January 14, 2004, President George W. Bush announced a new vision for United States space exploration, with the goal of returning humans to the moon within the next decade and extending a human presence across the solar system; and

Whereas, the President's fiscal year 2005 budget request for NASA is $1 billion higher than the previous year's request and would redirect $11 billion in the existing funding to provide a total of $12 billion over five years to help address the space exploration vision: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for returning humans to the moon and pursuing human exploration of Mars and the solar system; and be it further

Resolved, That the Legislature supports continued funding of human space flight, Earth Science, and other programs, as well as continued funding of the space-related Shuttle Booster Program; and be it further

Resolved, That the Legislature encourages the United States Congress to enact and fully fund the proposed budget for the Space Exploration Program as submitted in the 2005 budget, which will enable the United States and the state of Utah to remain leaders in the exploration and the development of space; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, NASA, and the members of Utah's congressional delegation.

POM–97. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the sale of violent video games to children; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 33

Whereas, Americans have grown increasingly alarmed about youth violence. Inspired in part by violent media images, for too many of our children are committing violent crimes; and

Whereas, Numerous medical organizations, including the American Medical Association and the American Psychological Association, as well as law enforcement agencies such as the Federal Bureau of Investigation, have concluded that viewing entertainment violence can lead to an increase in aggressive attitudes, values, and behaviors, particularly in children. Recent academic literature corroborates the findings of earlier studies that demonstrate exposure to violent video games produces aggressive behavior in children and young people; and

Whereas, Violent, point-and-shoot video games are such effective combat simulators that law enforcement and military organizations use them extensively for training to accurately and effectively shoot firearms in real combat situations. Such games could actually serve to create a more deadly accurate youth criminal armed with a firearm; and

Whereas, There are concerns that current initiatives, including rating systems, are largely ineffective in shielding young children from video game images. While parental and family actions are of the utmost importance in this effort, there are steps that Congress can take: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to conduct an investigation and take action to prevent the sale of violent video games to children; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–98. A Senate Concurrent Resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Commerce, Science, and Transportation.

(AMENDED SENATE CONCURRENT RESOLUTION NUMBER 12)

Whereas, The NASA John H. Glenn Research Center at Lewis Field in Cleveland, Ohio, is one of NASA's ten field offices, working to meet NASA's goals of understanding and protecting our home planet, exploring the universe and searching for life, and inspiring the next generation of explorers; and

Whereas, The focus of the Glenn Research. Center is on research related to exploration systems; it leads NASA in fields of microgravity science and works in partnership with others to increase national wealth, safety, and security, to protect the environment, and to explore the universe. The Center also is NASA's leader in the area of aeropropulsion research, which is important to NASA's goals to promote economic growth and national security and have safe, superior, and environmentally compatible civil and military aircraft propulsion systems; and

Whereas, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the NASA Glenn Research Center and the community of Cleveland that supports the Center; and

Whereas, The Glenn Research Center employs approximately 3,300 individuals, and the employment of these individuals and the economic impact of the Center, along with the Center's research, make the Center a vital installation to Cleveland, the state of Ohio, and the nation; and

Whereas, The Defense Finance Accounting Services Center in Cleveland efficiently provides accounting and payroll services for our military and civilian personnel serving our country; and

Whereas, The Defense Finance Accounting Services Center is a vital part of Greater Cleveland's economy, providing employment to 1,200 persons; and

Whereas, The Base Realignment and Closure Process has the potential to affect the Defense Finance Accounting Services Center and the community of Cleveland that supports the Center: Now, therefore, be it

Resolved, That the 126th General Assembly of the State of Ohio supports the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center, and firmly believes that neither Center should be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as both are valuable assets to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that neither Center is included in the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–99. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to establishing and requiring the .xxx domain name for adult-only web sites; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 30

Whereas, From 1983 to 1998, the federal government managed the Internet, including the Domain Name System (DNS), a central coordinating body that assigns unique e-mail and web site addresses so that the network runs smoothly. As the Internet evolved from a small-scale system of links among American academic institutions into a mainstream international communications, educational, and electronic commerce medium, the federal government concluded that it should no longer manage its development. In 1998, the United States Department of Commerce (DOC), in an effort to establish global standards and consensus-based policies, agreed to a Memorandum of Understanding (MOU) with the California-based private sector, nonprofit corporation called the Internet Corporation of Assigned Names and Numbers (ICANN). In part, the MOU calls for the joint development of the DNS in order to facilitate its future transfer to the private sector; and

Whereas, While the DOC continues to serve as the steward of the DNS during its transition to private sector management, it does not regulate ICANN, play a vital role in ICANN's internal governance or day-to-day operations, or intervene in ICANN activities unless the corporation's actions are inconsistent with the MOU. The only way that the department can influence ICANN decisions is either to not renew the MOU, which expires September 30, 2006, or through informal discussion with corporation officials; and

Whereas, In 2001, ICANN approved seven new top-level domain names, but refused to approve the .xxx domain name, which would have provided a cyber sanctuary to protect children from the corrupting influences of online pornography. To protect children, Congress has the authority to direct the DOC to establish and operate the second-level .xxx domain name within the United States. The .xxx domain name will safeguard children by allowing parents and libraries to employ filtering or blocking software technologies: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Commerce, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–100. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to action that would improve storage, desalt and augment the flow of Colorado River water supplies to river basin states; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, in 1964, the United States Supreme Court decreed that Arizona is entitled to 2.8 million acre-feet of water from the Lower Colorado River each year. The water allocations for California and Nevada, the other lower basin states, were determined in the same litigation and each state was given equal priority under the Supreme Court's decree; and

Whereas, despite prevailing in the litigation, Arizona was unable to practically use its entitlement to the water until the Central Arizona Project (CAP) was constructed. As a condition of obtaining congressional approval for the construction of the CAP, Arizona accepted a limitation on its water entitlement that effectively gives the state the lowest priority in times of shortage in exchange for commitment on the part of the federal government to augment Colorado River water supplies; and

Whereas, CAP provides one-third of Arizona's renewable water supplies and without this water, the many cities, towns, Indian communities and agricultural water users that depend on the CAP in Central Arizona would face critical water supply shortages.

Whereas, the Yuma desalting plant was constructed by the federal government pursuant to the Colorado River Basin Salinity Control Act to treat water for delivery to Mexico in satisfaction of United States treaty obligations, but the United States has failed to operate the desalter, thus causing the loss of more than one hundred thousand acre feet of water annually from Lake Mead; and

Whereas, the lack of adequate regulatory storage facilities in the Colorado River system above the Mexican border has resulted in the continuing overdelivery of water to Mexico, further reducing the supplies available to meet the needs of California, Nevada and Arizona and increasing the risk of shortage.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States take such actions, including enacting legislation and appropriating funds, as are required to construct or improve regulatory storage facilities in the lower Colorado River system, operate the Yuma desalting plant and augment the flow of the Colorado River to protect Arizona's Colorado River water supplies and allow the lower Colorado River basin states to maximize the benefits of their water entitlements.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United State Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–101. A joint memorial adopted by the Legislature of the State of Washington relative to the establishment of the Ice Age Floods National Geologic Trail; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 8000

Whereas, The Ice Age Floods Study of Alternatives and Environmental Assessment recommends that the ''Ice Age Floods National Geologic Trail'' be established by the Congress of the United States of America to follow the floods' pathways; and

Whereas, The floods are responsible for shaping a fascinating landscape that spans much of Washington State from its eastern border to the Pacific Ocean; and

Whereas, The landscape and its natural history are a draw to recreators, scientists, and tourists, which stimulate interest in the region and benefit local economies; and

Whereas, Many floods' resources are on public lands and can be viewed from existing public roadways; and

Whereas, The envisioned trail is to be a public-private partnership coordinated by the National Park Service; and

Whereas, The Study of Alternatives recommends that no more than 25 acres be acquired by the National Park Service for use in the trail: Now, therefore, Your Memorialists respectfully support establishment of the Ice Age Floods National Geologic Trail; and, further be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–102. A joint memorial adopted by the Legislature of the State of Washington relative to the rejection of the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates; to the Committee on Energy and Natural Resources.

SUBSTITUTE SENATE JOINT MEMORIAL 8018

Whereas, The Bonneville Power Administration supplies seventy percent of the electrical power consumed in the state of Washington; and

Whereas, Currently and since its creation the rates established for such power have been based upon recovery of its costs; and

Whereas, The ratepayers of the Pacific Northwest and West Coast have paid those costs in their entirety through their rates; and

Whereas, The Pacific Northwest region has experienced a nearly fifty percent increase in wholesale power rates since the energy crisis of 2001–2002; and

Whereas, The President's proposed fiscal year 2006 budget would transition the Bonneville Power Administration from cost-based rates to market-based rates;

Whereas, The Office of Management and Budget has estimated that such change would result in an estimated increase of one hundred dollars per year for each Pacific Northwest ratepayer; and

Whereas, This budget proposal would cost the Northwest region four hundred eighty million dollars next year and two and one-half billion dollars over three years; and

Whereas, The first argument to justify these increased rates, that the ratepayers of the Pacific Northwest are being subsidized by the federal government, is not well-founded in light of the fact that all of the Bonneville Power Administration's costs, including repayment of debt at market-based interest rates to the United States Treasury, are recovered from ratepayers, primarily individuals and businesses in the Pacific Northwest; and

Whereas, The second argument to justify these increased rates, that of further accelerating Bonneville's debt repayment to the United States Treasury, are not well-founded in light of Bonneville's success in recent years of early repayment of its debt, despite the sale of power at-cost and during difficult economic times; and

Whereas, This proposal if enacted would essentially result in a one hundred percent increase in power rates over a seven-year period, which will severely harm the region's businesses and industries, as well as all the residents of the region; and

Whereas, The administration's additional budget proposal to increase the types of transactions that would count against the Bonneville Power Administration's authorized debt limit would negatively impact the Bonneville Power Administration's ability to upgrade existing or build new vital infrastructure; and

Whereas, This proposal would lead to further limiting investment in an already constrained transmission system which could result in electricity shortages and decreased reliability: Now, Therefore, Your Memorialists respectfully pray that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates, as expressed in the President's fiscal year 2006 proposed budget, be rejected; and furthermore, your memorialists respectfully pray that the proposal to add additional transactions for inclusion into the Bonneville Power Administration's authorized debt limit be rejected; and, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, and the Secretary of the United States Department of Energy, Samuel W. Bodman.

POM–103. A concurrent resolution adopted by the Legislature of the State of Utah relative to approving the Utah recreational land exchange; to the Committee on Energy and Natural Resources.

Whereas, the Legislature of the state of Utah has an important role in reviewing land exchange proposals between subdivisions of the state and the United States;

Whereas, the School and Institutional Trust Lands Administration is seeking federal legislation authorizing the state of Utah to exchange up to 48,000 acres of state school and institutional trust lands and mineral interests for up to 40,000 acres of federal lands and mineral interests;

Whereas, the legislation would exchange state school and institutional trust lands that are currently scattered and, in many cases, surrounded by federal lands for consolidated lands that could be more efficiently managed and administered for the benefit of the trust land beneficiaries;

Whereas, the proposed exchange would also help preserve lands with significant scenic and recreational values within the Colorado River corridor, the vicinity of Dinosaur National Monument, and the Book Cliffs, benefiting local economies and that of the state as a whole; and

Whereas, the proposed exchange is in the best interests of the citizens of Utah: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, support the proposed land exchange between the state of Utah and the United States government; and be it further

Resolved, That the Legislature and the Governor request that the United States Congress enact laws authorizing the Secretary of the Interior to take all necessary actions to complete this exchange; and be it further

Resolved, That a copy of this resolution be sent to the United States Secretary of the Interior, Utah's School and Institutional Trust Lands Administration, and to the members of Utah's congressional delegation.

POM–104. A concurrent resolution adopted by the Legislature of the State of Utah relative to the opposition of nuclear testing; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION 7

Whereas, nuclear testing began at the Federal Government's Nevada Test Site in 1951;

Whereas, according to the United States Department of Energy's Nevada Operations Office, 45 of the 515 announced nuclear weapons tests that occurred between 1961 and 1984 released radioactivity beyond the testing site;

Whereas, many Utahns and many other citizens living downwind of those tests suffered as a result of being ''active participants'' in the nation's nuclear testing program;

Whereas, the Legislature of the State of Utah supports a strong military defense, but not at the expense of its citizens through renewed nuclear testing;

Whereas, as part of its recognition of the 50th Anniversary of nuclear testing at the Nevada Test Site in the 2001 General Session, the 54th Legislature of the State of Utah expressed ''the fervent desire and commitment to assure that such a legacy will never be repeated'';

Whereas, surviving ''downwinders'' who continue to suffer today know their fight against renewed nuclear testing will not benefit them personally because it is too late for them;

Whereas, surviving downwinders fight renewed nuclear testing for the sake of their children and grandchildren;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would mean a return to the mistakes and miscalculations of the past which have marred many Utahns;

Whereas, a resumption of nuclear testing essentially means the creation of a new generation of downwinders;

Whereas, a resumption of nuclear testing at the Federal Government's Nevada Test Site would verify the axiom that those who fail to learn from the mistakes of the past are doomed to repeat them;

Whereas, the resumption of nuclear testing at the Federal Government's Nevada Test Site would signify a dramatic step backward in the United States of America's resolve to learn from its tragic nuclear testing legacy;

Whereas, the ''Wind Wall'' is a planned monument to pay tribute to the people who lost their lives to nuclear testing, those who are battling downwinder-related diseases now, and for those who have lost loved ones because of nuclear testing;

Whereas, it is intended that the Wind Wall be placed in or near Washington County, Utah, as residents of that county were the most impacted by nuclear fallout; and

Whereas, the State of Utah has an obligation to its citizens, especially those who have suffered so much, to do all in its power to ensure that the lingering wounds from nuclear testing are not reopened to afflict both current and future generations: Now, therefore, be it

Resolved, That the Legislature of the State of Utah, the Governor concurring therein, strongly urge that the United States Government not resume nuclear testing at its Federal Government's Nevada Test Site; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Downwinders, Inc., and the members of Utah's congressional delegation.

POM–105. A joint resolution adopted by the Legislature of the State of Utah relative to oil and gas drilling and exploration; to the Committee on Energy and Natural Resources.

Whereas, significant reserves of oil have been discovered in Utah;

Whereas, many investors are working through the steps to obtain oil and gas leases from the Utah state office of the Bureau of Land Management;

Whereas, for all federal oil and gas leases sold in the state, 50 percent of the proceeds go to the state of Utah;

Whereas, federal oil and gas lease sales for November 2003, totaled $982,387; for February 2004, $6,325,314; for June 2004, $9,951,502; for September 2004, $28,030,004; and for December 2004, $521,916;

Whereas, although the September 2004 oil and gas lease sales were the largest in Utah in terms of acreage, roughly 190,000 acres were deferred or deleted from the sale when the Bureau of Land Management received

new information on wilderness characteristics of the land;

Whereas, every parcel available as part of an oil or gas lease is scrutinized prior to the sale to determine if it can be offered in compliance with, among others, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act;

Whereas, to protect other resources, numerous stipulations and stringent requirements are placed on the oil and gas leases that are issued;

Whereas, currently over 400 oil and gas leases have been awarded but not yet issued because of litigation instigated by environmental groups;

Whereas, groups suing to halt the issuance of the awarded oil and gas leases are not parties to the sales of the oil and gas leases;

Whereas, much of the Bureau of Land Management's time is taken up with addressing protests of the sales of oil and gas leases;

Whereas, millions of dollars that could be invested in the state are being held pending the outcome of these lawsuits;

Whereas, individuals and companies who have purchased oil and gas leases in Utah or are contemplating a purchase are greatly concerned with how long their funds have remained tied up in a system that is not performing its intended purpose;

Whereas, protests should be addressed up to the time that the oil and gas leases are awarded, then should be restricted unless an error was made in the plain language of the lease; and

Whereas, unless concerns with the oil and gas lease process are resolved, many potential investors in Utah oil and gas leases will choose to do business in other states, costing the state much needed revenues: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the United States Congress and the members of Utah's congressional delegation to take legislative steps necessary to address Utah's oil and gas drilling and exploration lease issuance problems; and be it further

Resolved, That the Legislature of the state of Utah urges that Congress and Utah's delegation act decisively to end the legal delays caused by individuals and groups who are not a party to the sale of an oil and gas lease; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Utah office of the Bureau of Land Management, and to the members of Utah's congressional delegation.

POM–106. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to the reform of the endangered species act; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL 1002

Whereas, since its enactment thirty years ago, the Endangered Species Act has created unreasonable regulatory hurdles for property owners while failing to help many species; and

Whereas, the House Resource Committee of Congress has passed bills this session that would change the existing law by requiring peer review before a species could be listed as endangered and by allowing critical habitat to be designated for species only when ''practicable''; and

Whereas, these bills now require passage by the full House and the Senate in order to become law; and

Whereas, the Western Governors Association has long supported legislation that would reform the Endangered Species Act to protect the rights of property owners while continuing to meet its intended purpose of recovering species.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take steps to enact legislation that would reform the Endangered Species Act to protect property owners while meeting its intended purpose of recovering species.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–107. A resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Clear Skies Act of 2005; to the Committee on Environment and Public Works.

(AMENDED HOUSE RESOLUTION NUMBER 21)

Whereas, Although the nation's air quality has improved significantly since the early 1970's, pollutants such as sulfur dioxide, nitrogen oxide, and mercury continue at levels that cause environmental and public health concerns. Because of those concerns, the United States Environmental Protection Agency has established stricter National Ambient Air Quality Standards, most recently for ozone and particulate matter; and

Whereas, Currently, 474 counties, including 33 in Ohio, are in nonattainment with the ozone standard and 225 counties, including 32 in Ohio, are in nonattainment with the particulate matter standard. Nonattainment designations place a significant burden on state and local governments, which must develop plans to reduce emissions and come into attainment by a specified date; and

Whereas, In order to ensure that the states have the most effective means of attaining the new standards, the Clear Skies Act of 2005 (S. 131) has been introduced in the United States Senate. This legislation not only is based on the successful Acid Rain Program, it also incorporates a multi-emissions approach that takes advantage of the benefits that would result from controlling multiple pollutants at the same time; and

Whereas, The Clear Skies Act balances environmental, energy, and economic needs. For example, it requires power plants to reduce emissions of sulfur dioxide, nitrogen oxide, and mercury by 70% by 2018 and allows the nation to continue burning coal, our most abundant and low-cost energy source, while improving our nation's air quality: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the 126th General Assembly of the State of Ohio, support concepts in the Clear Skies Act of 2005 and urge Congress to seek resolution of the issues involved and enact legislation for the purpose of improving our nation's air quality and ensure our nation's economic stability; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM–108. A joint memorial adopted by the Legislature of the State of Washington relative to Social Security; to the Committee on Finance.

SENATE JOINT MEMORIAL 8014

Whereas, In August 1935, when Franklin Delano Roosevelt signed into law the Social Security program, he asserted that the fundamental purpose of the initiative was to ''give some measure of protection to the average citizen and his family against the loss of a job and against a poverty ridden old age;'' and

Whereas, Today, seventy years later, about 48 million Americans—both retired workers and those who are disabled—receive modest checks from Social Security; and

Whereas, This modest support continues to be a bulwark against the indignities of poverty, accounting for more than half the income of two-thirds of those who receive benefits; and

Whereas, Social Security is now widely recognized by the public as one of the most successful programs in our nation's history, guaranteeing as it does, to all Americans, today and tomorrow, a basic standard of living; and

Whereas, It is being argued that Social Security should be privatized by diverting payroll taxes from current beneficiaries to private investment accounts; and

Whereas, Such reforms are likely to require the federal government to borrow nearly $2 trillion, or $100 billion to $150 billion per year for ten years, to finance the transfer to create new private accounts; and

Whereas, In addition to adding to the already significant federal debt, this proposal would partially replace guaranteed benefits with ones that expose millions of retired Americans to the ups and downs of the stock market: Now, therefore, Your Memorialists respectfully request that the Congress and the Administration reject the current effort to privatize Social Security and instead engage in an open dialogue with the American public to arrive at a sensible solution that preserves the original intent of Franklin Delano Roosevelt, making Social Security an insurance fail-safe for the aged and disabled and a complement to every individual's ability to invest in the private market on their own; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–109. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to Social Security reform; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1003

Whereas, Social Security is the foundation of retirement income for most Americans; and

Whereas, preserving and strengthening the long-term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans current and future retirees and their families; and

Whereas, Social Security faces significant fiscal and demographic pressures; and

Whereas, the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that:

1. The number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

2. Within a generation there will be only two workers to support each retiree which will substantially increase the financial burden on American workers;

3. Without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

4. Without structural reform, the Social Security trust fund will be exhausted in 2042 and Social Security tax revenue in 2042 will

only cover seventy-three per cent of promised benefits, and will decrease to sixty-eight per cent by 2078;

5. Without structural reform, future Congresses may have to raise payroll taxes fifty per cent over the next seventy-five years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 per cent by 2042 and 18.3 per cent by 2078;

6. Without structural reform, Social Security's total cash shortfall over the next seventy-five years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

7. Absent structural reforms, spending on Social Security will increase from 4.3 per cent of gross domestic product in 2004 to 6.6 per cent in 2078; and

Whereas, the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in one or more of the following: 1. Higher tax rates; 2. lower Social Security benefit levels; 3. increased federal debt or less spending on other federal programs;

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the President, the Congress and the American people, including seniors, workers, women, minorities and disabled persons, should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

2. That Social Security reform must:

(a) Protect current and near retirees from any changes to Social Security benefits.

(b) Reduce the pressure on future taxpayers and on other budgetary priorities.

(c) Provide benefit levels that adequately reflect individual contributions to the Social Security system.

(d) Preserve and strengthen the safety net for vulnerable populations including the disabled and survivors.

3. That the United States Congress should honor section 13301 of the Budget Enforcement Act of 1990.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–110. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to the United States entering into the Free Trade Area of the Americas; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL 2006

Whereas, the United States of America has always been the world leader in pushing for free trade. which is a hallmark of our capitalistic society; and

Whereas, both the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA), through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements; and

Whereas, the United States is considering entering into a new thirty-four member Free Trade Area of the Americas (FTAA) in 2005.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring prays:

1. That the United States Congress vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA).

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2360. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–83).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2419. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–84).

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 1266. An original bill to permanently authorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, to reauthorize a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, and for other purposes (Rept. No. 109–85).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 491. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

By Mr. SPECTER, from the Committee on the Judiciary, with amendments:

S. 852. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations. *Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

By Mr. SPECTER for the Committee on the Judiciary. Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit. Rachel Brand, of Iowa, to be an Assistant Attorney General. Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 1254. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, and Mr. STEVENS):

S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

By Mr. BIDEN:

S. 1256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS:

S. 1258. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the ''John Lewis Civil Rights Institute''; to the Committee on Environment and Public Works.

By Mr. SALAZAR:

S. 1259. A bill to amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of member of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Veterans' Affairs.

By Mr. VITTER:

S. 1260. A bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. OBAMA):

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nationwide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr.

KENNEDY, Mr. INOUYE, and Mr. KERRY):

S. 1264. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. CLINTON, Mr. ISAKSON, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. INHOFE, and Mr. JEFFORDS):

S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 1266. An original bill to permanently authorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, to reauthorize a provision of the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. BINGAMAN:

S. 1267. A bill to amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. CORZINE):

S. Res. 172. A resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for Darfur; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LEAHY):

S. Res. 173. A resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland; to the Committee on Foreign Relations.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. LUGAR, and Mr. REID):

S. Res. 174. A resolution recognizing Burmese democracy activist and Nobel Peace Laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 175. A resolution commending the University of Michigan softball team for winning the National Collegiate Athletic Association Division I Championship on June 8, 2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 398

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 398, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 473

At the request of Ms. CANTWELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 473, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 681

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 889

At the request of Mr. REED, his name was added as a cosponsor of S. 889, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1076

At the request of Mr. TALENT, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1081

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1152

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1153

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1153, a bill to provide Federal financial incentives for deployment of advanced coal-based generation technologies.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1248

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 1248, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1250

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1250, a bill to reauthorize the Great Ape Conservation Act of 2000.

S. CON. RES. 37

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 39

At the request of Ms. LANDRIEU, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 165

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 165, a resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs.

AMENDMENT NO. 771

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 771 intended to be proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 783

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 783 intended to be proposed to H.R. 6, a bill Reserved.

At the request of Mr. BURR, his name was added as a cosponsor of amendment No. 783 intended to be proposed to H.R. 6, supra.

AMENDMENT NO. 784

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. SALAZAR), the Senator from North Dakota (Mr. DORGAN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 784 proposed to H.R. 6, a bill Reserved.

AMENDMENT NO. 788

At the request of Mr. DEWINE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 788 intended to be proposed to H.R. 6, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, and Mr. STEVENS):

S. 1255. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, today I rise to introduce the Generating Opportunity by Forgiving Educational Debt for Service Act of 2005, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. This legislation is a modestly expanded version of a bill I introduced in the 108th Congress.

Current law authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. Known as GOFEDS, this bill would amend the Federal tax code and allow the Federal Government's student loan repayment programs to be offered on a tax-free basis.

In recent years, many educational institutions have established programs that repay a portion of the student loan debt their graduates owe. These programs are designed to encourage students to seek jobs with government or non-profit organizations that cannot pay salaries commensurate with the private sector upon graduation. Under current law, the amounts these institutions offer their graduates as student loan repayment are not taxed as income, provided the recipients choose to work for the government or non-profit organizations.

Unfortunately, the Federal Tax Code does not treat the Federal Government's loan repayment programs in the same way, considering such loan repayment as taxable income to the employee. As a result, the net benefit of any such program is reduced by the amount of tax that the individual has to pay on the debt repaid. This bill would amend the tax code so that the Government does not continue to undermine its own loan repayment recruitment incentive. This change will help Federal agencies recruit and retain well-qualified graduates.

This Congress, I have expanded GOFEDS to our military because recent reports indicate that all four services missed their recruiting goals last year. Unfortunately, military recruiting levels are now at a 30-year low. Under GOFEDS, military education loan programs, like the Active-Duty Loan Repayment Program will be offered on a tax free basis.

With more than half of the Federal workforce eligible for retirement in the next 5 years and surveys showing that fewer Americans find government services attractive, the need for this legislation is even more necessary. I believe the cost of this bill is minimal, but its potential impact is great. I urge all of my colleagues to support this legislation and I am confident that it can be enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Generating Opportunity by Forgiving Educational Debt for Service Act of 2005''.

SEC. 2. EXCLUSION FOR STUDENT LOAN REPAYMENTS BY THE FEDERAL GOVERNMENT.

(a) EXCLUSION FROM GROSS INCOME.—Section 108(f) of the Internal Revenue Code of 1986 (relating to student loans) is amended by adding at the end the following:

''(5) STUDENT LOAN REPAYMENTS BY FEDERAL GOVERNMENT.—In the case of an individual, gross income does not include any payments made by the Federal Government on behalf of such individual under—

''(A)(i) section 5379 of title 5, United States Code; or

''(ii) any other similar Federal program for its employees; or

''(B) section 510(e)(2), chapter 109, or chapter 1609 of title 10, United States Code.''.

(b) EXCLUSION FROM WAGES.—

(1) IN GENERAL.—Section 3121(a) of such Code (defining wages) is amended—

(A) in paragraph (21), by striking ''or'' at the end;

(B) in paragraph (22), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (22) the following:

''(23) any payment excluded from gross income under section 108(f)(5) (relating to student loan repayments by the Federal Government).''.

(2) SOCIAL SECURITY ACT.—Section 209(a) of the Social Security Act (42 U.S.C. 409(a)) is amended by adding at the end the following:

''(20) Any payment excluded from gross income under section 108(f)(5) of the Internal Revenue Code of 1986 (relating to student loan repayments by Federal Government).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date of enactment of this Act in taxable years ending after such date.

By Mr. BIDEN:

S. 256. A bill to require the Secretary of Homeland Security to develop regulations regarding the transportation of extremely hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, I rise today to introduce the Hazardous Materials Vulnerability Reduction Act of 2005. It is regretful that I am introducing this legislation, as the Department of Homeland Security has all of the legal authorities necessary to undertake the steps set out in this legislation. However, nearly 4 years after September 11, the Department of Homeland Security is still not doing its job. Quite frankly, officials at the Department of Homeland Security are either unaware, or even worse, they are purposely ignoring a grave threat to our cities. Hazardous materials being transported by 90-ton rail tankers has been described as a ''uniquely dangerous'' threat—comparable only to a nuclear or biological attack. According to the Department of Homeland Security and the Department of Transportation, these materials pose special risks during transportation because their uncontrolled release can endanger significant numbers of people. In addition, there have been countless reports of lax security along the urban area rail routes they travel. Nevertheless, the administration has done nothing to reduce this threat. The legislation that I am introducing today will require the Department of Homeland Security to develop a comprehensive, risk-based strategy for reducing the threat of a terrorist attack on extremely hazardous materials in our Nation's high-threat cities. The steps set out in this legislation should have been taken years ago, but it is clear that the Department of Homeland Security will not act. I hope that my colleagues will join me in passing this legislation to require them to act.

Within just a few miles of where we stand right now, rail tankers carrying the world's most dangerous chemicals are being transported over tracks that are not sufficiently safeguarded or monitored. According to Richard A. Falkenrath, a former homeland security adviser to President Bush, this threat stands out ''as acutely vulnerable and almost uniquely dangerous.'' He is not alone in this opinion. The Homeland Security Council released a report in July 2004 indicating that an explosion, in an urban area, of a rail tanker carrying chlorine could kill up to 17,500 individuals and could require the hospitalization of nearly 100,000. An analysis by the Naval Research Laboratory depicted a more troubling scenario when it studied the potential for damage if an attack occurred while an event was being held on the National Mall, such as the annual Fourth of July celebration. According to this analysis, ''over 100,000 people could be seriously harmed or even killed in the first half hour.'' Let me say that again, according to a study by the Naval Research Laboratory ''over 100,000 people could be seriously harmed or killed in the first half hour.''

Terrorist groups already understand the potential impact of such an attack. The FBI and CIA have uncovered evidence that terrorists have targeted chemical shipments, and just a few months ago during testimony before the Senate Intelligence Committee, FBI Director Mueller indicated that threats to rail remain a key concern. This should not be a surprise. Rail systems are the most frequently attacked targets worldwide, and the wide open nature of their architecture makes them vulnerable at many points. In other words, rail systems present many soft targets. Incidentally, I have introduced separate legislation in the last three Congresses that would provide $1.2 billion to eliminate some of the vulnerabilities in our rail system; however, this legislation has not been supported by the Bush administration and it has not passed Congress. In fact, the administration has not asked for a single dime specifically for rail security. This is very troubling because we know that the modus operandi for many terrorist groups is to cause mass casualties and spectacular damage. According to the Chlorine Institute, an attack on a 90-ton tanker could create a toxic cloud 40 miles long and 10 miles wide. The Environmental Protection Agency estimates that in an urban area this toxic cloud could extend 14 miles. Can you imagine the psychological impact of a toxic cloud of poisonous gas expanding and moving slowly over one of our major metropolitan areas—leaving death and chaos in its path?

Given the potential damage and the direct threat against chemical rail tankers, you would think that the Bush administration has been busy reducing or eliminating this threat. Unfortunately, as with so many other areas involving our homeland security this does not appear to be the case. In January testimony before the Senate Homeland Security Committee, Mr. Falkenrath stated that ''to date, the Federal Government has not made a material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.'' He went on to say that this should be the highest priority for the Department of Homeland Security. A Wall Street Journal article written last year—''Graffiti Artists Put Their Mark on War Against Terrorism''—provides a chilling example of the exposure of these chemical tankers. The reporter followed a graffiti artist to a railroad tunnel along tracks that run near I–395 not far from where we stand. As he was conducting the interview, a tanker carrying dangerous chemicals rolled by on an adjacent track. The graffiti artist noted that ''it wouldn't be hard at all for someone like Al Qaeda to wait right here for the right poison and bang! Good-bye Washington.''

This threat and the lack of action by the Department of Homeland Security has led many city officials to consider local legislation to ban shipments of hazardous materials. Right now, a dispute between the District of Columbia and the transportation companies joined by the Bush administration is being litigated in Federal courts. Other cities, such as Philadelphia and Boston are considering similar action. As a former county executive, I am sympathetic to the plight of local officials, and they should certainly be allowed to exercise their police powers in appropriate situations. I believe, and I am sure most local officials would agree, that it would be better to have a national, comprehensive policy on this issue. This is simply too important to have a patchwork strategy. The Department of Homeland Security should have already done this. Unfortunately, they have not, and this legislation will require the Department to take some basic, fundamental steps to enhance safety for the American people.

The legislation that I am introducing requires the Department of Homeland Security to issue regulations establishing a national policy for dealing with the transport of the world's most dangerous chemicals by rail through our high threat cities. It will require the Department to develop protocols for the notification of State and local officials, and it will require the Department to study and report to Congress regarding security enhancing measures such as secondary containment technologies, GPS tracking of shipments, and the feasibility of smaller, more secure tankers. The bill also includes a provision requiring the Department of Homeland Security to work with State and local officials, the rail industry and other stakeholders to develop a strategy for rerouting a small fraction of the most dangerous materials around our most threatened city. It is estimated that only 5 percent of all hazardous materials shipped by rail will be subjected to this regulation. Finally, the bill will provide $100 million to State and local governments and rail operators to purchase safety equipment and provide training to first responders and rail workers who are likely to discover and respond to an incident involving hazardous materials. An additional $10 million will be made available to the National Labor College to provide further training for rail workers.

I realize that the rail industry has invested considerable amounts of its own money to enhance security since September 11, and this legislation is not an indictment of their efforts. I have been pushing to get more Federal funding for rail security for years, but this plea has fallen on deaf ears within the administration. I realize that we cannot eliminate every conceivable risk, but at a time when we have troops overseas fighting the war on terror and our Nation's law enforcement agencies are on high alert, the least that we should do

is ensure that we have a national strategy for handling a threat that is comparable in scope to a nuclear or biological attack. I will close by again referring to the grave warning set out in the study by the Naval Research Laboratory—''over 100,000 people could be seriously harmed or even killed in the first half hour'' of an attack. The danger is simply too great to ignore, and I ask my colleagues to join me in passing this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Hazardous Materials Vulnerability Reduction Act of 2005''.

(b) FINDINGS.—Congress makes the following findings:

(1) Congress has specifically given the Department of Homeland Security, working in conjunction with the Department of Transportation and other Federal agencies, the primary authority for the security of the United States transportation sector, including passenger and freight rail.

(2) This authority includes the responsibility to protect American citizens from terrorist incidents related to the transport by rail of extremely hazardous materials.

(3) Federal agencies have determined that hazardous materials can be used as tools of destruction and terror and that extremely hazardous materials are particularly vulnerable to sabotage or misuse during transport.

(4) The Federal Bureau of Investigation and the Central Intelligence Agency have found evidence suggesting that chemical tankers used to transport and store extremely hazardous chemicals have been targeted by terrorist groups.

(5) Rail shipments of extremely hazardous materials are often routed through highly attractive targets and densely populated areas, including within a few miles of the White House and United States Capitol.

(6) According to security experts, certain extremely hazardous materials present a mass casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large occupied buildings.

(7) A report by the Chlorine Institute found that a 90-ton rail tanker, if successfully targeted by an explosive device, could cause a catastrophic release of an extremely hazardous material, creating a toxic cloud 40 miles long and 10 miles wide.

(8) The Environmental Protection Agency estimates that in an urban area a toxic cloud could extend for 14 miles.

(9) The United States Naval Research Laboratories concluded that a toxic plume of this type, created while there was a public event on the National Mall, could kill or injure up to 100,000 people in less than 30 minutes.

(10) According to security experts, rail shipments of extremely hazardous materials are particularly vulnerable and dangerous, however the Federal Government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.

(11) While the safety record related to rail shipments of hazardous materials is very good, recent accidental releases of extremely hazardous materials in rural South Carolina and San Antonio, Texas, demonstrate the fatal danger posed by extremely hazardous materials.

(12) Security experts have determined that re-routing these rail shipments is the only way to immediately eliminate this danger in high threat areas, which currently puts hundreds of thousands of people at risk.

(13) Security experts have determined that the primary benefit of re-routing the shipment of extremely hazardous materials is a reduction in the number of people that would be exposed to the deadly impact of the release due to an attack, and the principal cost would be the additional operating expense associated with possible increase inhaul for the shipment of extremely hazardous materials.

(14) Less than 5 percent of all hazardous materials shipped by rail will meet the definition of extremely hazardous materials under this Act.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term ''extremely hazardous material'' means any chemical, toxin, or other material being shipped or stored in sufficient quantities to represent an acute health threat or have a high likelihood of causing injuries, casualties, or economic damage if successfully targeted by a terrorist attack, including materials that—

(A) are—

(i) toxic by inhalation;

(ii) extremely flammable; or

(iii) highly explosive;

(B) contain high level nuclear waste; or

(C) are otherwise designated by the Secretary as extremely hazardous.

(2) HIGH THREAT CORRIDOR.—

(A) IN GENERAL.—The term ''high threat corridor'' means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of extremely hazardous materials, including—

(i) large populations centers;

(ii) areas important to national security;

(iii) areas that terrorists may be particularly likely to attack; or

(iv) any other area designated by the Secretary as vulnerable to damage from the rail shipment or storage of extremely hazardous materials.

(B) OTHER AREAS.—

(i) IN GENERAL.—Any city that is not designated as a high threat corridor under subparagraph (A) may file a petition with the Secretary to be so designated.

(ii) PROCEDURE.—The Secretary shall establish, by rule, regulation, or order, procedures for petitions under clause (i), including—

(I) designating the local official eligible to file a petition;

(II) establishing the criteria a city shall include in a petition;

(III) allowing a city to submit evidence supporting its petition; and

(IV) requiring the Secretary to rule on the petition not later than 60 days after the date of submission of the petition.

(iii) NOTICE.—The Secretary's decision regarding any petition under clause (i) shall be communicated to the requesting city, the Governor of the State in which the city is located, and the Senators and Members of the House of Representatives that represent the State in which the city is located.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security or the Secretary's designee.

(4) STORAGE.—The term ''storage'' means any temporary or long-term storage of extremely hazardous materials in rail tankers or any other medium utilized to transport extremely hazardous materials by rail.

SEC. 3. REGULATIONS FOR TRANSPORT OF EXTREMELY HAZARDOUS MATERIALS.

(a) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for extremely hazardous materials transported by rail or being stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing extremely hazardous materials.

(b) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue, after notice and opportunity for public comment, regulations concerning the rail shipment and storage of extremely hazardous materials by owners and operators of railroads. In developing such regulations, the Secretary shall consult with other Federal, State, and local government entities, security experts, representatives of the hazardous materials rail shipping industry, labor unions representing persons who work with hazardous materials in the rail shipping industry, and other interested persons, including private sector interest groups.

(c) REQUIREMENTS.—The regulations issued under this section shall—

(1) include a list of the high threat corridors designated by the Secretary;

(2) contain the criteria used by the Secretary to determine whether an area qualifies as a high threat corridor;

(3) include a list of extremely hazardous materials;

(4) establish protocols for owners and operators of railroads that ship extremely hazardous materials regarding notifying all governors, mayors, and other designated officials and local emergency responders in a high threat corridor of the quantity and type of extremely hazardous materials that are transported by rail through the high threat corridor;

(5) require reports regarding the transport by railroad of extremely hazardous materials by the Secretary to local governmental officials designated by the Secretary, and Local Emergency Planning Committees, established under the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.);

(6) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a rail shipment of extremely hazardous materials that causes the release of such materials;

(7) require that any rail shipment containing extremely hazardous materials be rerouted around any high threat corridor; and

(8) establish standards for the Secretary to grant exceptions to the re-routing requirement under paragraph (7).

(d) HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The criteria under subsection (c)(2) for determining whether an area qualifies as a high threat corridor may be the same criteria used for the distribution of funds under the Urban Area Security Initiative program.

(2) INITIAL LIST.—If the Secretary is unable to complete the review necessary to determine which areas should be designated as high threat corridors within 90 days after the date of enactment of this Act, the initial list shall be the cities that receive funding under the Urban Areas Security Initiative Program in fiscal year 2004.

(e) EXTREMELY HAZARDOUS MATERIALS LIST.—If the Secretary is unable to complete

the review necessary to determine which materials should be designated extremely hazardous materials under subsection (c)(3) within 90 days of the date of enactment of this Act, the initial list shall include—

(1) explosives classified as Class 1, Division 1.1, or Class 1, Division 1.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 500 kilograms;

(2) flammable gasses classified as Class 2, Division 2.1, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 10,000 liters;

(3) poisonous gasses classified as Class 2, Division 2.3, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 500 liters;

(4) poisonous materials, other than gasses, classified as Class 6, Division 6.1, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms; and

(5) anhydrous ammonia classified as Class 2, Division 2.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms.

(f) NOTIFICATION.—

(1) IN GENERAL .—The protocols under subsection (c)(4) shall establish the required frequency of reporting by an owner and operator of a railroad to the Governors, Mayors, and other designated officials and local emergency responders in a high threat corridor.

(2) REPORTS TO SECRETARY.—The protocols under subsection (c)(4) shall require owners and operators of railroad to make annual reports to the Secretary regarding the transportation of extremely hazardous materials, and to make quarterly updates if there has been any significant change in the type, quantity, or frequency of shipments.

(3) CONSIDERATIONS.—In developing protocols under subsection (c)(4), the Secretary shall consider both the security needs of the United States and the interests of State and local governmental officials.

(g) REPORTS.—

(1) FREQUENCY.—

(A) IN GENERAL.—The Secretary shall make an annual report to local governmental officials and Local Emergency Planning Committees under subsection (c)(5).

(B) UPDATES.—If there has been any significant change in the type, quantity, or frequency of rail shipments in a geographic area, the Secretary shall make a quarterly update report to local governmental officials and Local Emergency Planning Committees in that geographic area.

(2) CONTENTS.—Each report made under subsection (c)(5) shall incorporate information from the reports under subsection (c)(4) and shall include—

(A) a good-faith estimate of the total number of rail cars containing extremely hazardous materials shipped through or stored in each metropolitan statistical area; and

(B) if a release from a railcar carrying or storing extremely hazardous materials is likely to harm persons or property beyond the property of the owner or operator of the railroad, a risk management plan that provides—

(i) a hazard assessment of the potential effects of a release of the extremely hazardous materials, including—

(I) an estimate of the potential release quantities; and

(II) a determination of the downwind effects, including the potential exposures to affected populations;

(ii) a program to prevent a release of extremely hazardous materials, including—

(I) security precautions;

(II) monitoring programs; and

(III) employee training measures utilized; and

(iii) an emergency response program that provides for specific actions to be taken in response to the release of an extremely hazardous material, including procedures for informing the public and Federal, State, and local agencies responsible for responding to the release of an extremely hazardous material.

(h) TRANSPORTATION AND STORAGE OF EXTREMELY HAZARDOUS MATERIALS THROUGH HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The standards for the Secretary to grant exceptions under subsection (c)(8) shall require a finding of special circumstances by the Secretary, including that—

(A) the shipment originates in or is destined to the high threat corridor;

(B) there is no practical alternate route;

(C) there is an unanticipated, temporary emergency that threatens the lives of people in the high threat corridor; or

(D) there would be no harm to persons or property beyond the property of the owner or operator of the railroad in the event of a successful terrorist attack on the shipment.

(2) PRACTICAL ALTERNATE ROUTES.—Whether a shipper must utilize an interchange agreement or otherwise utilize a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1)(B).

(3) GRANT OF EXCEPTION.—If the Secretary grants an exception under subsection (c)(8)—

(A) the extremely hazardous material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SEC. 4. SAFETY TRAINING.

(a) HOMELAND SECURITY GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may award grants to local governments and owners and operators of railroads to conduct training regarding safety procedures for handling and responding to emergencies involving extremely hazardous materials.

(2) USE OF FUNDS.—Grants under this subsection may be used to provide training and purchase safety equipment for individuals who—

(A) transport, load, unload, or are otherwise involved in the shipment of extremely hazardous materials;

(B) would respond to an accident or incident involving a shipment of extremely hazardous materials; and

(C) would repair transportation equipment and facilities in the event of such an accident or incident.

(3) APPLICATION.—A local government or owner or operator of a railroad desiring a grant under this subsection shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably establish.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 to carry out this subsection.

(b) RAILWAY HAZMAT TRAINING PROGRAM.—

(1) PROGRAM.—Section 5116(j) of title 49, United States Code, is amended by adding at the end the following:

''(6) RAILWAY HAZMAT TRAINING PROGRAM.—

''(A) In order to further the purposes of subsection (b), the Secretary of Transportation shall, subject to the availability of funds, make grants to national nonprofit employee organizations with experience in conducting training regarding the transportation of hazardous materials on railways for the purpose of training railway workers who are likely to discover, witness, or otherwise identify a release of extremely hazardous materials and to prevent or respond appropriately to the incident.

''(B) The Secretary of Transportation shall delegate authority for the administration of the Railway Hazmat Training Program to the Director of the National Institute of Environmental Health Sciences under subsection (g). In administering the program under this paragraph, the Director of the National Institute of Environmental Health Sciences shall consult closely with the Secretary of Transportation and the Secretary of Homeland Security.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 5127 of title 49, United States Code, is amended by adding at the end the following:

''(h) RAILWAY HAZMAT TRAINING PROGRAM.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out section 5116(j)(6).''.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) TRANSPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the benefits and availability of technology and procedures that may be utilized to—

(A) reduce the likelihood of a terrorist attack on a rail shipment of extremely hazardous materials;

(B) reduce the likelihood of a catastrophic release of extremely hazardous materials in the event of a terrorist attack; and

(C) enhance the ability of first responders to respond to a terrorist attack on a rail shipment of extremely hazardous materials and other required activities in the event of such an attack.

(2) MATTERS STUDIED.—The study conducted under this subsection shall include the evaluation of—

(A) whether safer alternatives to 90-ton rail tankers exist;

(B) the feasibility of requiring chemical shippers to electronically track the movements of all shipments of extremely hazardous materials and report this information to the Department of Homeland Security on an ongoing basis as such shipments are transported; and

(C) the feasibility of utilizing finger-print based access controls for all chemical conveyances.

(3) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall include recommendations and cost estimates for securing shipments of extremely hazardous materials.

(b) PHYSICAL SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the physical security measures available for rail shipments of extremely hazardous materials that will reduce the risk of leakage or release in the event of a terrorist attack or sabotage.

(2) MATTERS STUDIED.—The study conducted under this subsection shall consider the use of passive secondary containment of tanker valves, additional security force personnel, surveillance technologies, barriers, decoy rail cars, and methods to minimize delays during shipping.

(3) REPORTING.—Not later than 180 days after the date of enactment of this Act, the

Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

(c) LEASED TRACK STORAGE ARRANGEMENTS.—

(1) IN GENERAL.—Not later than 90 days after enactment of this Act, the Secretary shall conduct a study of available alternatives to storing extremely hazardous materials in or on leased track facilities.

(2) MATTERS STUDIED.—The study conducted under this subsection shall—

(A) evaluate the extent of the use of leased track facilities and the security measures that should be taken to secure leased track facilities; and

(B) assess means to limit the consequences of an attack on extremely hazardous materials stored on leased track facilities to nearby communities.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

SEC. 6. WHISTLEBLOWER PROTECTION.

(a) PROHIBITION AGAINST DISCRIMINATION.—No owner or operator of a railroad may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this Act by the owner or operator of a railroad or any director, officer, or employee of an owner or operator of a railroad.

(b) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

(c) REMEDIES.—If the district court determines that a violation has occurred, the court may order the owner or operator of a railroad that committed the violation to—

(1) reinstate the employee to the employee's former position;

(2) pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation of law or regulation; or

(2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

SEC. 7. PENALTIES.

(a) RIGHT OF ACTION.—

(1) IN GENERAL.—Any State or local government may bring a civil action in a United States district court for redress of injuries caused by a violation of this Act against any person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials by rail and who violated this Act.

(2) RELIEF.—In an action under paragraph (1), a State or local government may seek, for each violation of this Act—

(A) an order for injunctive relief; and

(B) a civil penalty of not more than $1,000,000.

(b) ADMINISTRATIVE PENALTIES.—

(1) IN GENERAL.—The Secretary may issue an order imposing an administrative penalty of not more than $1,000,000 for each failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials to comply with this Act.

(2) NOTICE AND HEARING.—Before issuing an order under paragraph (1), the Secretary shall provide the person who allegedly violated this Act—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the person received the notice, a hearing on the proposed order.

(3) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations establishing procedures for administrative hearings and the appropriate review of penalties issued under this subsection, including establishing deadlines.

By Mr. SPECTER (for himself and Mr. LAUTENBERG):

S. 1257. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, along with my colleague, Senator LAUTENBERG, I am introducing the Justice for Marine Corps Families—Victims of Terrorism Act. I am submitting this legislation on behalf of the families of the brave servicemen who died when terrorists—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 marines.

This legislation clarifies a private right of action, in Federal courts, for U.S. citizens against state sponsors of terrorism and will ultimately make it easier for victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legislation have been drafted to harmonize existing statutory law with the recent decision by the District of Columbia circuit in *Cicippio-Puleo* v. *Islamic Republic of Iran*, 353 F.3d 1024, D.C. Cir. 2004, which held that ''neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act. . . ., nor the two considered in tandem, creates a private right of action against a foreign government.'' 353 F.3d 1024, 1032–33 (D.C. Cir. 2004). This bill will permit the families of the brave servicemen who died at the Marine Corps Barracks in Beirut, Lebanon, to collect court-ordered damages against state-sponsors of terrorism such as Iran.

The initial section of the bill clarifies that victims of a state-sponsored terrorist attack are permitted to bring a private suit against the sponsoring foreign terrorist government. Congress first allowed U.S. citizen victims of state sponsored terrorism to pursue private actions against a foreign terrorist government when we passed the Flatow Amendment in 1996. Now, some 9 years and over 50 successful cases later, the Federal Appellate Court for the District of Columbia Circuit in *Cicippio-Puleo* v. *Islamic Republic of Iran*, 353 F.3d 1024 D.C., 2004, has held that the Flatow amendment did not create a private right of action against a foreign terrorist government. Accordingly, the initial section of this bill will correct *Cicippio-Puleo* by explicitly inserting language into the Flatow amendment enabling U.S. citizens to once again bring private suits against foreign terrorist governments who have murdered or maimed their loved ones.

The second section of the bill eliminating many of the barriers which have prevented U.S. citizens from collecting on court ordered damages against state sponsors of terrorism. The bill does this by changing the legal standard of the Bancec doctrine from day to day-managerial control to those under the beneficial ownership of the state. The Supreme Court enunciated the so-called *Bancec* doctrine in *First Nat'l City Bank* v. *Banco Para EI Comercio Exterior de Cuba*, 462 U.S. 611, 626–27, 1983. In this case, the U.S. Supreme Court created a presumption against a party that seeks to satisfy an outstanding judgment against a foreign government by seizing the foreign government's assets. This section of the bill will ease the burden on the families of victims of terrorism by permitting them to attach the hidden assets of terrorist states held within the United States. Finally, the remaining portions of the bill would create a mechanism whereby a lien could be filed in any jurisdiction in the United States where a state sponsor of terrorism directly or indirectly owns assets. This would prevent foreign state sponsors of terrorism from removing these assets from the country after the passage of this legislation.

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they had been denied the ability to seek legal redress, despite clear findings implicating Iran in the attacks, were both poignant and persuasive. It is vitally important to victims' families that they have a private right of action against the state sponsor itself, not just against its officials, employees, or agents acting in their official capacity. These victims and their families deserve not only a day in court but also the ability to recover damages from these terrorist states that commit, direct, or materially support terrorist acts against American citizens or nationals. This bill reaffirms that the United States will not tolerate state-sponsored terrorism. Accordingly, I urge my colleagues to join us in support of this

bill. I yield the floor. I ask unaminous consent that the text of the bill be printed in the RECORD.

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

S. 1257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF PRIVATE RIGHT OF ACTION AGAINST TERRORIST STATES; DAMAGES.

(a) RIGHT OF ACTION.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (f), in the first sentence, by inserting ''or (h)'' after ''subsection (a)(7)''; and

(2) by adding at the end the following:

''(h) CERTAIN ACTIONS AGAINST FOREIGN STATES OR OFFICIALS, EMPLOYEES, OR AGENTS OF FOREIGN STATES.—

''(1) CAUSE OF ACTION.—

''(A) CAUSE OF ACTION.—A foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or an official, employee, or agent of such a foreign state, shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or the national's legal representative for personal injury or death caused by an act of that foreign state, or by that official, employee, or agent while acting within the scope of his or her office, employment, or agency, for which the courts of the United States may maintain jurisdiction under subsection (a)(7) for money damages. The removal of a foreign state from designation as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law shall not terminate a cause of action arising under this subparagraph during the period of such designation.

''(B) DISCOVERY.—The provisions of subsection (g) apply to actions brought under subparagraph (A).

''(C) NATIONALITY OF CLAIMANT.—No action shall be maintained under subparagraph (A) arising from an act of a foreign state or an official, employee, or agent of a foreign state if neither the claimant nor the victim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) when such acts occurred.

''(2) DAMAGES.—In an action brought under paragraph (1) against a foreign state or an official, employee, or agent of a foreign state, the foreign state, official, employee, or agent, as the case may be, may be held liable for money damages in such action, which may include economic damages, damages for pain and suffering, or, notwithstanding section 1606, punitive damages. In all actions brought under paragraph (1), a foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(3) APPEALS.—An appeal in the courts of the United States in an action brought under paragraph (1) may be made—

''(A) only from a final decision under section 1291 of this title, and then only if filed with the clerk of the district court within 30 days after the entry of such final decision; and

''(B) in the case of an appeal from an order denying the immunity of a foreign state, a political subdivision thereof, or an agency of instrumentality of a foreign state, only if filed under section 1292 of this title.''.

(b) CONFORMING AMENDMENT.—Section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in section 101(a) of Division A of Public Law 104–208 (110 Stat. 3009–172; 28 U.S.C. 1605 note), is repealed.

SEC. 2. PROPERTY SUBJECT TO ATTACHMENT EXECUTION.

Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY INTERESTS IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—A property interest of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under subsection (a)(7) or (h) of section 1605, including a property interest that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property interest by the government of the foreign state;

''(B) whether the profits of the property interest go to that government;

''(C) the degree to which officials of that government manage the property interest or otherwise control its daily affairs;

''(D) whether that government is the real beneficiary of the conduct of the property interest; or

''(E) whether establishing the property interest as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property interest of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under subsection (a)(7) or (h) of section 1605 because the property interest is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

SEC. 3. APPOINTMENT OF SPECIAL MASTERS.

(a) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or a civil or criminal''.

(b) JUSTICE FOR MARINES.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims of Crime Act of 1984 (42 U.S.C. 10603c), to the Administrator of the United States District Court for the District of Columbia such funds as may be required to carry out the orders of United States District Judge Royce C. Lamberth appointing Special Masters in the matter of Peterson, et al. v. The Islamic Republic of Iran, Case No. 01CV02094 (RCL).

SEC. 4. LIS PENDENS.

(a) LIENS.—In every action filed in a United States district court in which jurisdiction is alleged under subsection (a)(7) or (h) of section 1605 of title 28, United States Code, the filing of a notice of pending action pursuant to such subsection, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities. A notice of pending action pursuant to subsection (a)(7) or (h) of section 1605 of title 28, United States Code, shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

(b) ENFORCEMENT.—Liens established by reason of subsection (a) shall be enforceable as provided in chapter 111 of title 28, United States Code.

SEC. 5. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act apply to any claim for which a foreign state is not immune under subsection (a)(7) or (h) of section 1605 of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(b) PRIOR CAUSES OF ACTION.—In the case of any action that—

(1) was brought in a timely manner but was dismissed before the enactment of this Act for failure to state of cause of action, and

(2) would be cognizable by reason of the amendments made by this Act, the 10-year limitation period provided under section 1605(f) of title 28, United States Code, shall be tolled during the period beginning on the date on which the action was first brought and ending 60 days after the date of the enactment of this Act.

By Mr. CHAMBLISS:

S. 1258. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the ''John Lewis Civil Rights Institute''; to the Committee on Environment and Public Works.

Mr. CHAMBLISS. Mr. President, I rise today to honor a man who has been at the front of our country's fight for civil rights. Born a son of sharecroppers in Troy, AL, JOHN grew up to become one of the leading proponents fighting on the frontlines of the civil rights movement.

JOHN grew up listening to speeches from the Reverend Martin Luther King Jr., and observing many courageous acts, such as the Montgomery bus boycotts. Through those examples, LEWIS could no longer stand idly by while others suffered for his sake. He was motivated to become an active participant in these historical events. From organizing peaceful demonstrations, to riding in the fronts of buses, LEWIS was a key leader and played a dynamic role in the civil rights movement.

From 1963–1966 LEWIS served as chairman of the Student Nonviolent Coordinating Committee. In 1963 LEWIS was named one of the Big Six Civil Rights leaders along with Martin Luther King Jr., James Farmer, Roy Wilkins, Whitney Young, and A. Phillip Randolph.

In August 1963, JOHN LEWIS was a keynote speaker at the momentous March on Washington where Martin Luther King, Jr. gave his ''I Have a Dream'' speech. On March 7, 1965, LEWIS helped the now pivotal voting rights march from Selma to Montgomery, AL. Sustaining physical injuries for the principles he believed in, JOHN LEWIS remained steadfast in his commitment to promoting human rights in the United States. The violent reactions by Alabama state troopers that day sparked an outcry and

eventually served to facilitate passage of the Voting Rights Act of 1965.

Mr. President, as a congressman, statesman, humanitarian, the Nation has benefited greatly from the lifelong contributions of JOHN LEWIS. I am proud to introduce legislation honoring JOHN LEWIS.

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

S. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN LEWIS CIVIL RIGHTS INSTITUTE.

(a) DESIGNATION.—The building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, shall be known and designated as the ''John Lewis Civil Rights Institute''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the John Lewis Civil Rights Institute.

By Mr. ALEXANDER:

S. 1261. A bill to simplify access to financial aid and access to information on college costs, to provide for more learning and less reporting, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, in case the President may be wondering, and I asked consent about this, these are 7,000 regulations. We have 6,000 autonomous institutions of higher education in the United States, colleges and universities.

The Presiding Officer comes from the State that has some of the finest colleges and universities anywhere in America. I will not begin to name them because there are so many of them I might leave one out. Every single college or university, public or private, in North Carolina, Tennessee, or Colorado which has students with Federal grants or loans gets all of these boxes this year. These are the Federal regulations under title IV of the Higher Education Act that somebody at the smallest college or the biggest university must wade through in order to help students have Federal grants and Federal loans. The Federal grant and Federal loans are one of the great success stories of the United States of America. I will talk more about that.

Mr. President, 60 percent of our college students and university students at those 6,000 public and private and profit and nonprofit institutes of higher education, 60 percent of them have a Federal grant or loan to help pay for college. That has increased over the last 4 or 5 years about 10 times faster—9 times faster—than State funding for higher education.

But my goal today, in my remarks and in the bill I am introducing, is to make it easier for boys and girls and men and women who attend our colleges and universities—and many of them are mature, older students—to make it easier for them to go through these documents. And then, on the other hand, to make it easier for our colleges and universities to comply with all these rules and regulations. I would like for them to be spending their time and their money helping our students learn instead of spending their time and their money reporting to us what they are doing.

That is the purpose of what I want to do today. I am introducing the Higher Education Simplification and Deregulation Act of 2005, a bill that does what I just described. It will help students get access to available financial resources. Second, it will reduce the burden on colleges and universities imposed by Federal regulations so they can devote more of their time doing what they are meant to do: provide the highest quality postsecondary education in the world. And third, it will ensure that the autonomy and independence of our 6,000 institutions of higher education are preserved.

I am delighted I am able to interrupt the energy debate to talk about higher education because I think while it sounds like we are shifting gears, they really go together. If I am looking at our country today, and I had to take an exam this minute about the two greatest issues facing the United States of America, I would say, No. 1, terrorism, and, No. 2, competitiveness. ''Competitiveness'' a big word, meaning: How are we going to keep our jobs? How are we going to keep our standard of living in this country when we have 5 or 6 percent of the people in the world, and yet we produce a third of all the money, consume 25 percent of all the energy? And China and India and Singapore and Malaysia, not to mention Japan and Europe, are saying: Wait a minute. Our brains are as good as those American brains. A lot of our students have been going to the United States, creating jobs for those Americans. In fact, 572,000 foreign students are in this country today, basically improving our standard of living by their work here.

So we are in a very competitive time. Just as we have been saying in energy, here comes China, here comes Malaysia, here comes India buying up the oil reserves, driving up the price. Here comes Germany and other parts of the world with lower natural gas prices than we have. And our jobs are going toward them.

The other thing we could do to ensure our good jobs and to keep our higher standard of living is to focus on our brainpower. The great advantages the United States of America has had since World War II have been our low cost, reliable supply and access to energy, our science and technology edge, and our educational institutions. There are so many examples of that.

Mrs. KAY BAILEY HUTCHISON, the senior Senator from Texas, and our majority leader, Senator BILL FRIST, had a little session in the leader's office last year. They invited the former Brazilian President Fernando Henrique Cardoso. He was concluding his residency at the Library of Congress. I remember after he had said what he had to say, we asked our questions.

Senator HUTCHISON asked of President Cardoso: Mr. President, what is the one thing you are going to remember about the United States from your stay here at the Library of Congress that you will take with you back to your country of Brazil? Without a moment's hesitation, he said: The American university, the greatness and the autonomy of the American university.

I will tell you another story. A few years ago, I was asked to be the president of the University of Tennessee. It was 1988. I was glad to do it. I had been chairman of the board of the university for 8 years as Governor, and I appointed a lot of the trustees, but I was not a skilled university president. So I sought out David Gardner, the president of the University of California, which I regard, with all respect to North Carolina, at least at that time, to be the outstanding public university in America and perhaps one of the best in the world.

I said to David Gardner: Why is the University of California so good? Without a moment's hesitation, he said: First, autonomy. When California created the university—they created four branches of government, really: legislative, executive, judicial, and then the University of California. He said: Fundamentally, they give us the money, and then our board and we decide how to spend it. Our autonomy has permitted us to do the second thing, set very high standards. And then he said the third thing was the large amount of Federal dollars that follows students to the educational institution of their choice.

So autonomy, excellence, and choice—Federal dollars following students to the schools of their choice. That is how David Gardner explained the California model for excellence in higher education.

That model has worked for our country since the GI bill for veterans was enacted in 1944. I have wondered many times how we were fortunate enough to have decided to do it in the way they did it. This was for the veterans. It was the end of World War II. There were college presidents who were very upset about the idea of giving the veterans money and just telling them to go wherever they wanted to go to college.

The president of the University of Chicago said it would make the University of Chicago a hobo's jungle. But we know what it did. We had veterans coming back and taking their GI bill. Many of them took it to Catholic high schools and other high schools because they had not finished high school. But they went wherever they wanted, to any accredited institution. They went to Yeshiva. They went to Vanderbilt. They went to the historically Black colleges and universities across America—Harvard. It did not matter. If it was accredited, they chose the institution.

The same formula was applied when the Pell grants were created by this Congress in honor of Senator Pell, who was a former Member of this body; as is true with Senator Stafford and the Stafford loans. Instead of giving those grants and loans to the University of North Carolina and the University of Tennessee, they went to the student. The student then said: Well, I will decide where I want to go. I may want to go to Rhodes College, or I may want to go to Lenore Rhyne or I may want to go to the University of Florida or Yeshiva or Howard. They go where they want to go.

Because of that, we now have 6,000 autonomous institutions around the country. Many of them are nonprofit. Many of them are for profit. Eighty percent of our students go to public institutions, but 20 percent go to private institutions. Because it is a marketplace of 6,000 institutions, and some are, of course, better than others, because it is a marketplace, we have been able to adapt to a changing world that now has different subjects, different standards, a more global environment, and students who are, by and large, much older and have different needs than they did before.

If we had not had that kind of marketplace of colleges and universities, we would be stuck in the mud, and we would not have former President Cardoso of Brazil talking so well about our colleges and universities.

We do not just have some of the best colleges and universities in the world; we have almost all of them. And the rest of the world knows that. We do not have 572,000 foreign students studying in our country this year because we made them come, or even because we give them scholarships. They pay to come for the most part. They are the brightest students in most of these countries. And 60 percent of our postdoctoral students are from overseas. Half our students in computer and engineering graduate programs are from overseas. They are here for that reason. So we attract these students. The Federal Government has continued to be generous.

So there are two things I am introducing today with this bill. Number one, this legislation would simplify the financial aid process and expand access for students. We do it in these ways: (a) streamline the forms for Federal grants and loans, making access to student financial aid easier; (b) provide students who want to expedite their education and study year-round the Federal support to do so; (c) provide students with financial information about colleges and universities in a clear and concise manner that does not require additional reporting from institutions.

The second purpose of the bill is to protect that autonomy, that one word, that independence, that autonomy of these 6,000 institutions. That is, in my view, a critical element of why we have the best colleges and universities in the world.

What I mean by that is we did not order them to be good from Washington. That is not how they got to be great. They were autonomous and independent. We allowed them to be, and then we gave them students, followed by money, who created a competitive marketplace. And they became the best in the world.

So this legislation eliminates, streamlines, and evaluates regulations currently imposed on institutions of higher education with the goal of lessening the burden on schools. That way, universities can focus more on teaching and researching and less on maintaining reporting requirements for the Federal Government.

The bill, No. 1, appoints an expert panel to review Department of Education regulations and to recommend how those regulations might be streamlined or eliminated. Two, it accelerates the ''negotiated rulemaking process'' whereby universities negotiate new rules with the Department so that an end result can be reached without costly delays. And three, it develops a compliance calendar so that universities know what requirements they have to meet and when they to have meet them.

What I mean by that is, it will be up to us in the Federal Government to send to the University of North Carolina or Maryville College in Tennessee a list of the rules they have to comply with so they don't have to hire a whole team of people to try to wade through and read everything.

This is just one title of the Higher Education Act. It has several titles. So a compliance calendar would help deregulate.

These changes build on the successful model for American higher education. By making the financial aid process more user friendly and more accessible, more students will have Federal funds following them to the college or university of their choice. And by relieving some of the Federal regulatory burden, we are restoring university autonomy so they can spend more time teaching and researching and less time filling out paperwork.

I have two major purposes. The first is to simplify and expand access to financial aid, to make it easier for the 60 percent of our college students who fill out a form to get a Federal grant or loan; and second, to reduce the burdensome paperwork on the colleges and universities.

In terms of simplifying access, we need to remember that the faces and needs of our college students have changed. More typically these days, when I go to a graduation—this has been true for a number of years—the cry you hear from the audience is: Way to go, mom. It is the mom who is getting her degree, or the dad, going back to school, college, community college, trade school, university to get the skills they need to get a better job or another job in a rapidly changing world.

In 1970, we had 7.4 million students, 28 percent of whom were enrolled part time and 38 percent at two-year colleges. Only 28 percent were 25 or older. By 1999, enrollment had grown to 12.7 million, a 7.2-percent increase with 39 percent enrolled part time and 44 percent in two-year colleges. Nearly half our students in 1999 were in two-year colleges. Our financial aid system needs to catch up.

The first thing we can do is to simplify what we call the Free Application Federal Student Aid. As one might expect, it is known around here as FAFSA. Imagine that. You go out and try to talk to a family of someone who might be going to college for the first time and that family says let me talk to you about FAFSA.

I think we ought to change the name. I think we ought to make it easy for people to understand what we are talking about. I recently met a chief financial officer of a company who said she found the form challenging when helping her high school daughter fill out a form for financial aid. I can only imagine the challenge to a high school student, or a working mother, when trying to answer over 100 confusing questions, the vast majority of which are only applicable for the State of California.

So a second thing we can do is make sure students can use the Federal aid for education they need year round. Flexibility for year-round Pell grants is a part of this legislation so students can have the flexibility they need to go and continue their education in the summer. There is a disincentive for that. Not only is that inconvenient for students and working students, it tends to encourage institutions to waste the resources in the summertime, which they should be putting to better use.

The third thing we can do is make sure there is more information. That is why I suggest the ''best buy'' list—a list of the 100 schools with the lowest tuition and required fees, with the greatest availability of scholarships and grants. In other words, this would help parents and students decide where they could get the biggest bang for their buck.

Many of the ideas that are in our legislation came from the Advisory Committee on Student Financial Assistance. Senator GREGG, when he was chairman, and I invited them to work on this. They did a terrific job and they came up with 10 recommendations, 8 of which are in this bill, and I believe they have no cost to the budget.

The other area and my final comments have to do with the other side of the ledger. While we are making it easier for students to have access to financial aid, we should work to relieve the regulatory burden on colleges and universities represented by these boxes of 7,000 regulations that contain all the forms any college or university in Florida or Tennessee or North Carolina would receive this year to fill out. Thanks to the last two rounds of reauthorizing the Higher Education Act,

there are today more than 7,000 regulations associated with the title IV student aid program. With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, every Federal agency is involved in regulating some aspect of higher education. That is incredible and it is absolutely ridiculous.

In 1997, Gerhard Casper, the president of Stanford University, said Stanford spends 7 cents out of every tuition dollar on compliance with Government regulations. This has only gotten worse in the last 9 years. We need to ease the burden. For example, under the Higher Education Act, universities are required to report how many full-time employees have dental insurance, whether the university is a member of a national athletic association, and the number of meals that are in a ''board'' charge. Colleges are required to hand every student a paper in-State voter registration form and cannot use modern technology such as Web registrations, which would actually reach more students. We are giving university staff busy work to do when they ought to be helping students.

Here is another example. When a major chemical company such as DuPont produces 55-gallon containers of a potentially hazardous waste, we require Dupont to report on how all that waste is disposed and ensure that it is done in a certain manner. This is a good regulation and idea. Right now, we are applying the same regulation and paperwork to a chemistry class at a college that might produce half a test tube of the same substance.

Mr. President, I don't know about the presiding officer, the Senator from Florida, and I now see the Senator from Virginia; I suspect that when we all go back to our States and speak to our Lincoln Day dinners, or when the Democrats go to the Jefferson Day dinners, we all say the thing we need to do once we pass these laws is to have more oversight and ease the burden of regulation. When I say that, I get a big round of applause, because at home people don't think we get any smarter when we fly to Washington, DC, each week. They think it would be absurd to know there are 7,000 regulations governing college grants and loans, and that Stanford University spends 7 cents out of—and this is a private university—every tuition dollar paying for the cost of Government regulations.

One reason we have an increased interest in regulating is because there are a great many Members of Congress, as well as people in the country, who worry about rising tuition costs. I worry about those, too. When I was Governor of Tennessee, we used to have a deal with the students. The State will pay 70 percent of the cost, and you pay 30 percent, and if we raise your tuition, we will raise the State contribution. That has changed, I am afraid, and I think it is important for us to know that. Tuition is not going up because the Federal Government is failing to do its job. Over the last 4 years, Pell grants, work-study, scholarships all gone up about 30 percent. At the same time, over the last 4 years, State spending for higher education is up 3.6 percent. I will say that again. This is according to various educational institutions, including the Center for Study of Education Policy, Illinois State University. In fiscal year 2001, there was a 3.4 percent increase in State funding for higher education. In 2002, there was a 1.2-percent decrease; in the next year, a 2.4-percent decrease. This is State funding for higher education. Last year, there was a 3.8-percent increase—3.6 over the 4 years.

So what our colleges and universities are feeling, and what our students are feeling, is decreased State support for higher education. One reason they are feeling that is because we have not given States the tools to control the growth in Medicaid spending. So in Tennessee, Florida, Virginia, and North Carolina, our colleges and universities are hurting because the Governors and legislatures are spending the dollars that ought to be going for excellence in universities. They are spending it on huge increases in Medicaid costs. That is part of our responsibility, too.

So I come to the floor today to introduce the Higher Education Simplification and Deregulation Act of 2005. I invite my colleagues to join me in it. We will be marking up a Higher Education Authorization Act next month. It affects 60 percent of the college students in the United States. I am sure we are going to continue to fund those grants and loans, as we have from here, but we also need to do two other things. One of them is in here, and that is not to get busy regulating more colleges and universities. We should be deregulating. The other thing we should do, which is not a part of this bill, is to keep our commitment to the Governors that, by about the fall of this year, we should give them the legislative tools they need—and I believe also relief from Federal court consent decrees, which are outdated—so they can manage the growth of Medicaid spending, so that in turn we can continue to support higher education.

Our energy bill and our higher education bill are at the forefront of our policies to keep our jobs and our competitiveness.

Here's one more example: If you grab a pint bottle of rubbing alcohol from your bathroom and take it to a university laboratory, it will immediately fall under the regulation and scrutiny of six different regulatory agencies:

(1) the air quality management district,

(2) the sewer district,

(3) OSHA,

(4) the local fire department,

(5) the county environmental health department, and

(6) the state hazardous waste agency.

While all of these are not directly governed by federal regulations, many are responding to them, and we should do our part to reduce this type of burden. In one instance, a prestigious institution in the Midwest was visited by the EPA and a bottle of dishwashing soap was found in a lab near a sink. The institution was fined for improper management of hazardous waste because the label was not still attached to the bottle. Even worse, the institution had to pay to have the soap analyzed to document that it was not hazardous.

Colleges are in the business of teaching students, not sending meaningless paperwork to the federal government. To fix this problem, my legislation would establish an expert panel to review federal regulations applicable to colleges and universities and make recommendations to the Secretary of Education and the Congress on how some of these regulations could be streamlined or eliminated. The bill also would assist institutions in complying with all these requirements by requiring the Department to develop a compliance calendar outlining specific deadlines for paperwork submissions.

In those cases where there is already clarity about how to deal with regulations, the bill takes action. The bill will accelerate the ''negotiated rulemaking process,'' a process whereby university representatives negotiate new regulations with the Department. Today this process can drag on for years, imposing unnecessary costs along the way due to uncertainty over a final outcome for the rule. Under my bill, that process would have a one year deadline. To give schools a chance to adjust to newly agreed regulations, institutions of higher education would be provided with a minimum of at least 270 days between the publication of any final regulations or guidance and the initiation of data collection related to new disclosure requirements.

The bill also reinstates provisions to allow schools with a low ''cohort default rate,'' meaning that less than 10 percent of their students fail to pay all their loans back on time, the option of distributing loan money to students right at the beginning of the year rather than waiting a month or spacing the money out over the period of a year. This is important since students incur many expenses up front during their education and need the flexibility to pay for fees, books, and other costs.

Mr. President, since the end of World War II, our system of higher education has been unmatched around the globe. According to the Institute of Higher Education at Shanghai University, more than half the world's top 100 universities are in the United States.

But our lead is slipping. During a trip to Europe, I discovered that Chancellor Schroeder of Germany is putting a strong emphasis on reforming his country's university system to mirror—and perhaps even eclipse—our own. British prime minister Tony Blair is overhauling his nation's system because he sees a growing gap between the quality

of American and British universities. Authorities in India and especially China are working harder than ever to improve the quality of education in their own countries and keep their brightest minds from leaving their countries. Australia and Canada are making strides as well. And, for the first time, we have witnessed a decline in graduate student enrollment. The Council on Graduate Schools estimated that foreign applications to graduate programs in the U.S. were down this year by five percent.

This greater competition means that not only do we find it harder than ever to attract foreign students, but our graduates will find it harder to compete for top-paying jobs in the global economy since they will be competing against talented, well-educated individuals from around the world.

Now is the time to fine-tune our own system of higher education and restore its greatest strengths: generous financial assistance for students, autonomy, and high standards. Generous support is most effective when students can access it with a minimum of hassle and with maximum flexibility to apply it to their accredited program. Freedom from over-regulation or control by government allows colleges and universities to quickly adjust to the needs of their students and focus on teaching and research. High standards are the natural result of a competitive system where schools compete among each other for dollars and students.

My bill restores the pillars of our higher education system and gives us the ability to move forward with confidence in the twenty-first century. I urge my colleagues to join me in this effort.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the Higher Education Simplification and Deregulation Act of 2005.

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

HIGHER EDUCATION SIMPLIFICATION AND DEREGULATION ACT OF 2005

There are 6,000 autonomous institutions of higher education nationwide, and it is the autonomy and independence that our universities possess that makes our system of higher education the best in the world. While the federal government partners with American students, families and institutions to make a college education accessible, increased regulations on these same entities threatens this remarkably successful relationship. Countries around the world look to our higher education system and are trying to emulate it. The Higher Education Simplification and Deregulation Act of 2005 (the Act) takes steps to reduce bureaucratic red tape, increase autonomy and allow the U.S. to continue to be the best in the world. As we reauthorize The Higher Education Act over the next five years, our goal should be to make college more accessible and not restrict that autonomy.

SIMPLIFY: ACCESS TO FINANCIAL AID AND INFORMATION ON COLLEGE COSTS

(1) Simplify the Free Application for Federal Student Aid (FAFSA)

Implement the majority of recommendations from the Advisory Committee on Student Financial Assistance on simplification of the FAFSA form including improved transparency, verification of need and earlier notification of financial aid eligibility. There is no cost associated with implementing these recommendations.

(2) Year-Round Pell Grants and Flexible Loans for Year Round Study

Authorize year-round Pell grants for both 2 and 4 year institutions. This will help working students and older adults who need increased flexibility and year round financial aid.

Increase annual loan limits for greater funding flexibility for students attending college for more than two academic semesters.

(3) Secretary's list on College ''BEST BUYS''

Secretary will publish existing institutional data in a user friendly way.

Best Buy List of ''the top 100'' will help students decipher institutional expenses and financial aid.

Each year the Secretary shall publish a list of institutions of higher education, by all nine sectors, that identifies:

(a) The 100 schools with the lowest tuition and required fees;

(b) The 100 schools with the lowest cost of attendance;

(c) The 100 schools with the largest percentage of incoming full-time students who receive financial aid;

(d) The 100 schools with the largest average amount of incoming full-time student financial aid on a per student basis;

(e) The 100 schools with the largest percentage of students who receive institutional grants and scholarships;

(f) The 100 schools with the slowest increase in tuition and fees during the preceding 5 years; and

(g) The 100 schools with the slowest increase in total cost of attendance during the preceding 5 years.

(4) Make the Department of Education's Graduate Programs' Need Analysis consistent with other federal graduate programs.

All graduate and professional students are, by definition, independent students and therefore highly likely to have financial need. The federal need analysis requirement in Jacob K. Javits fellowship and Graduate Assistance in Areas of National Need (GAANN) programs often causes lengthy delays in processing grant applications. Instead of yielding helpful distinctions among the applicant pool, the requisite utilization of the federal needs analysis methodology creates massive amounts of paperwork for students, institutions, and the Department of Education. Comparable graduate fellowship programs, such as the Title VI Foreign Language and Area Studies program, and similar training and fellowship programs at National Institutes of Health, National Science Foundation, and the Department of Defense contain no such requirement. Therefore, Javits and GAANN will not be subject to federal needs analysis.

MORE LEARNING, LESS REPORTING

Institutions of higher education are among the most regulated entities in the United States.

With the exception of the Consumer Product Safety Commission and the Federal Trade Commission, all federal agencies are involved in regulating some aspect of higher education.

In addition, there are more than 7,000 regulations associated with Title IV student aid programs alone.

Seven cents of every tuition dollar is spent on government regulations (Stanford University, 1997)

There are lots of regulators of higher education and even more regulations issued by the Department.

(1) Appoint an Expert Panel to Review and Streamline Department of Education Regulations

Panels, appointed by the Secretary, will review regulations on financial aid, institutional eligibility, regulations unrelated to the delivery of student aid and dissemination of information requirements. The panel would then make recommendations to the Secretary and the appropriate Congressional committees on streamlining and eliminating these regulations.

(2) One Size Does Not Fit All for Industry and Academic Regulations

Fund a project by the National Research Council to develop standards in environmental, health and safety areas to provide for differential regulation of industrial facilities, on the one hand, and research and teaching laboratories and facilities on the other. The report will make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(3) Accelerate Negotiated Rulemaking Process

The process, while somewhat successful, is costly, and significantly delays implementation of regulations. This process should be streamlined. This bill gives the Secretary of Education the authority to engage in negotiated rulemaking, but she is not required to do so if she decides the process is too cumbersome or inefficient.

(4) Develop a Compliance Calendar

For financial aid programs alone, institutions must comply with over 7,000 pages of regulations.

Each year, the Secretary will be required to provide eligible institutions a list of the reporting and disclosure requirements under the Higher Education Act to assist institutions in complying with these requirements.

The list will include: (1) the date each report is required to be completed and to be submitted, made available, or disseminated; (2) the required recipients of each report, including reports that must be kept on file for inspection upon request; (3) any required method for transmittal or dissemination; (4) a description of the content of each report sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for its preparation; (5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report; and (6) any other information which is pertinent to the content or distribution of the report or disclosure.

(5) Reinstate two expiring provisions on disbursement of student loans.

The first provision allows schools with cohort default rates below 10 percent to disburse a loan in a single installment rather than in multiple disbursements over the year.

The second lets schools with low cohort default rates waive the requirement that loan proceeds of a first-year, first-time borrower loan be withheld for thirty days so that these students can purchase books and supplies, pay housing costs, and meet other expenses.

(6) Voter Registration Dissemination.

This bill clarifies that institutions can use electronic means to meet the requirement to disseminate voter registration forms to students. Electronic means will ensure that dissemination to students occurs both effectively and efficiently.

ELIMINATE OR ALTER THE FOLLOWING REPORTING REQUIREMENTS IN THE HEA

(1) Application of Change of Ownership to non-profit institutions

The Department of Education applies provisions concerning change of institutional ownership to nonprofit institutions, despite clear expression of contrary congressional intent and the common understanding that nonprofit institutions do not have owners. This places unnecessary burdens on institutions, and may act as a deterrent to governance changes intended to make institutions more efficient and effective.

(2) Disclosure of Foreign Gifts

When an institution receives a foreign gift in excess of $250,000 they must report it to the federal government. This data is publicly available in the annual reports prepared by every college and university and is carefully monitored for public institutions by state governments. The Department of Education reports that it never gets public requests for this information. Institutions will no longer be required to provide this information to the federal government, but make it publicly available on an annual basis.

By Mr. FRIST (for himself, Mrs. CLINTON, Mr. MARTINEZ, Mr. BINGAMAN, Mr. TALENT, Ms. MIKULSKI, Mr. THUNE, and Mr. OBAMA):

S. 1262. A bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nation-wide interoperable health information technology system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, this morning I am pleased to be joined on the floor by my distinguished colleague from the State of New York. Together we share an important goal to improve health care quality and reduce costs through the use of health information technology tools.

I had the wonderful opportunity of spending 20 years as a physician and as a heart surgeon before coming to this body. Like most physicians, I wanted to and, in fact, did use the very latest, most advanced technology, anything that could possibly, in my practice, make my patients live a healthier life, a better life, a more comfortable life.

But amidst the artificial heart assist devices, the lasers that are used to remove lesions in the windpipe or the trachea, CT scan machines, x-rays, digital x-rays, digital thermometers, doctors today, unfortunately, for the most part, keep patient records the very same way I did 10 years ago and, indeed, almost exactly as my dad did 60 years ago as he practiced medicine, and that is handwritten on paper in manila folders, typically stored in the basements of clinics or doctors' offices or hospitals.

It is amazing because we design hospitals, structures on computers today, we conduct medical research with computers, we use computers in nearly every aspect of the clinical setting, the delivery of medicine. From very compact bedside monitors to these massive MRI scanners we have today, computers power almost everything we use, everything we do in terms of diagnosis in medicine, in health care.

But—and this is what we have come to the floor to address—when it comes to health information, when it comes to electronic medical records, we are in the stone age and not the information age.

Imagine a traveler far away from home who gets in an automobile accident and is taken unconscious or confused to a hospital. Paramedics rush them to a hospital, and at the very moment that individual arrives at the door of that emergency room, the emergency room physician meets them, but emptyhanded, with no notification of allergies or past medical history or preexisting illnesses, all of which is potentially lifesaving information. That is inexcusable in this day and age.

My colleague from New York knows this all too well.

Mrs. CLINTON. Mr. President, I wish to express my appreciation to Senator FRIST for his leadership on this issue because we certainly do need to bring our health care system out of the information dark ages. I am pleased to be introducing this legislation today with the majority leader. It is a priority for both of us, and I look forward to continuing our partnership to move this legislation through the legislative process.

For several years, I have been promoting the adoption of health information technology as a means to improve our health care system and bring it into the 21st century. I introduced health quality and information technology legislation in 2003 to jump-start the conversation on health IT. I am very pleased that I have had the opportunity now to work with the majority leader for more than a year on realizing what we believe would work, that would enable patients, physicians, nurses, hospitals—all—to have access electronically in a privacy-protected way to health information.

We have a lot of challenges facing us in health care. We have a long way to go to achieve the goal of expanding access to quality, affordable health care for all Americans. But creating a health information technology infrastructure needs to be a key part of achieving our health care goals because we are facing an escalating health care crisis.

Information technology has radically changed business and other aspects of our lives. It is time to use it to bring our health sector into the information age.

Currently, the health industry spends 2 to 3 percent of its revenues on information technology, compared to roughly 12 percent in industries such as finance or banking. That is why you can go to an ATM virtually anywhere in the world and access money from your bank account.

But despite evidence that greater investments could yield returns, we have not put in place the necessary infrastructure to facilitate the necessary investment in an interoperable health information technology and quality infrastructure.

Mr. FRIST. Mr. President, this needs to change and it must change. We must establish an interoperable privacy-protected electronic medical record for every American who wants one. Working together, our Nation can confront these challenges, and we can build an interoperable national health information technology system. We know it will save lives. We know it will save money. It will improve quality and it will lead to huge measurable progress in the medical field, in the health field.

We face enormous problems as a result of the underinvestment in health information technology. No industry as important to our economy as health spends as little on information technology. Our Nation has nearly 900,000 doctors and over 2.8 million nurses. Americans visit a doctor 900 million times per year. We have nearly 6,000 hospitals all over the country. Our health care system is enormous, yes, but it is dangerously fragmented. Even a small efficiency improvement can greatly reduce cost and improve quality, and there is plenty of room for improvement.

Mrs. CLINTON. Mr. President, I could not agree more. The majority leader comes to this debate with a lifetime of experience and expertise. Researchers at Dartmouth University found that we waste as much as one-third of the $1.8 trillion we spend on health care on care that is not necessary.

Doctors write over 2 billion prescriptions each year by hand. With all respect to my doctors, some are unclear or even illegible. Handwritten prescriptions filled incorrectly result in as many as 7,000 deaths each year because we do not have access to a fail-safe system so that providing the prescription electronically, which also would trigger a response if it was interacting with another drug the patient was taking, is not yet available.

With that data, it is difficult, sometimes even impossible, to track the quality of care patients receive. We cannot reward good providers or work to improve those who provide inferior care.

Widening health care disparities really are a growing problem in our society. It is especially important because every moment that a doctor or a nurse spends with a patient is precious. For every hour that they spend with a patient, they spend one-half hour filling out those forms by hand. So we can save time, we can save money, and we can make it clear that this information will be easily electronically transportable where it is needed.

Mr. FRIST. The problem is enormous and the problem is real. So what are we going to do about it? Senator CLINTON and I propose three concrete steps to remedy these problems and establish a fully interoperable information technology system. First, we must establish standards for electronic medical records. Sharing data effectively requires more than just that fiber optic

cable, more than those Internet connections. It requires standards and laws that make it possible to exchange medical information in a privacy-protected way throughout our Nation.

The Government should not impose these standards on the private sector, but it has a duty, and indeed it has an obligation, to lead the way. Medicare, Medicaid, SCHIP, the Indian Health Service, and other Federal programs should lead the way and establish electronic health records for all of their clients.

The Veterans' Administration already leads the way with interoperable systems, but we need to get the VA to be able to talk to the Department of Defense.

Mrs. CLINTON. That is absolutely the case, especially as we tragically know so many young people who have been injured in Iraq or Afghanistan move from the DOD to the VA. We have to have a better system so that they can know what needs to be done for these brave young men and women.

Secondly, we believe our legislation should work to reduce barriers and facilitate the electronic exchange of health information among providers in a secure and private way to improve health care quality and meet community needs. When communities come together, as is beginning to happen all over the country, the Federal Government should help them implement an interoperable health IT system.

Interoperable sounds like a confusing word, but it means they can talk to each other, they can operate in the same overall system and do it in a way that complies with national standards. To speed up this process, we propose spending a total of $600 million—$125 million a year, over 5 years—to begin the work of rolling out interoperable electronic medical records systems around the Nation.

Finally, we must use the data we collect to focus intensely on improving the quality of health care. Our medical system, which is, and deserves to be, the envy of the world, still suffers from enormous and unpardonable disparities in the quality of care. Health IT will be a tool to help our dedicated health care professionals improve care, and efficiently, so that they spend more time at the bedside, more time at the office visit, and less on paperwork.

Through this legislation, we will begin to collect consistent data on the quality of health care delivered in America. As the largest health care payer in the country, the Federal Government has a responsibility to begin that process of collecting data on its own health care programs and share it with the public. Then, with this data, we can begin to move to a health care system that actually rewards providers who give their patients superior care.

Mr. FRIST. Mr. President, as we talk about these systems and standards and words such as interoperability, which, as the Senator from New York said, does mean being able to connect it all together, people who are listening must ask: Well, how in the world do these electronic health records and the appropriate use of that data bring concrete benefits to them as individuals and to their families?

First, it will reduce waste and inefficiency in the system. It only makes sense that fragmented systems, with no interconnectivity at all, have inherent inefficiencies and waste. That is moved aside. That has a very direct impact on lower costs, making health care more affordable and thus available for people broadly.

It improves quality. Right now we know that medical errors occur. Too many medical errors occur in our health care system today. By the application of technology, we can move those medical errors aside. They will not occur and that improves quality.

They will empower patients. It gives that individual who is listening right now the knowledge and power to be able to participate in a consumer-driven system where choices can be made, where the focus is on the patient, that is provider friendly, that is driven by information and choice and empowerment to make that choice.

They will protect patient privacy and promote the secure exchange of lifesaving health information. It is spelled out in the legislation. It is going to be privacy protected.

For the first time, they will seamlessly integrate this advancement in health information technology with quality measures, with quality advancements, harmonizing and integrating them in a way that simply has not been done in the past.

This proposal brings together people, as we can see, from across the political spectrum, and it will unlock the potential of medical information technology for all Americans.

Mrs. CLINTON. I am delighted to be working on this very important national initiative with the majority leader because we are at a pivotal moment. Pockets of innovation and investment are developing all over the country. In my State, places like Rochester, NY, and in the majority leader's State, the Tri-Cities region of Tennessee, health care providers, employers and community groups are beginning the process of building a health information technology network. That is a positive first step, but it could be either a last step or a misstep because to truly achieve the promise of health information technology, we must ensure that these efforts do not become silos. In other words, there is one system for every hospital, one system for every clinical practice. They cannot talk to each other. So a person goes to one doctor. Their doctor is in New York, but they travel to Tennessee to visit friends, they are in an accident, and nobody knows how to get the information that will give them the best possible treatment.

So if we do this right, this comprehensive legislation will create a health information technology framework that improves quality, protects patient privacy and ensures interoperability through the adoption of health IT standards and quality measures.

We are marrying technology and quality to create a seamless, efficient health care system for the 21st century. I thank the majority leader, who has brought so much interest and expertise to this, for being a leader and making this happen in the next 18 months.

Mr. FRIST. I thank my colleague in this endeavor. As mentioned earlier, we began working on the information technology aspects of health care about a year ago and published our first op-ed together about July of last year.

In closing, this is not going to be an easy process. I look back at the technology in my past in medicine for 20 years, but then also in my dad's practice; he practiced medicine for 55 years. I remember he had one of the very earliest electrocardiogram, EKG, machines in the State of Tennessee. At that time—because there were so few machines and so few cardiologists—he would take referrals from all over the State of Tennessee. The machine itself was bigger than the desk before me, at the time.

What would happen then is, if there was a machine in a little rural community 100 miles away from Nashville, the machine there would take a piece of paper, they would run it through, they would send it by mail. It would take 2 days to get to Nashville. Dad would read it and send it back. Four days later, that doctor would be able to read that EKG.

Then, when I was about 9 or 10 years of age—because their bedroom was right around the corner from mine—I remember so well when he installed a telephone to put another big box there to have the first in Tennessee again of a machine—and it was amazing at the time—one could transmit these EKGs electronically over the telephone wire and have it interpreted at the bedside. He would keep it there because people, of course, have heart attacks in the middle of the night. Then it would take probably about 30 or 40 minutes to get the result back.

Of course, today we are at a point where with a little tiny machine, an EKG machine, we can get an instantaneous readout not just of the paper and of the EKG but the result actually read by the box.

I have been able to see huge progress in my own life and watching my dad's practice and my practice. Now we need to see all of that sort of progress condensed, applied not just to the technology but to the collection of information, the promotion of electronic health records, and the appropriate sharing of that information which is privacy protected. That is the sort of progress we are going to see. We are going to see it come alive on the Senate floor and with the House and work

in concert with the President of the United States to make sure that the great advantages, in terms of lowering costs, getting rid of inefficiencies, and promoting quality will be realized.

The bill that we will shortly introduce does present a comprehensive approach of medical information and the use of medical information as we address our health care challenges. It provides that important backbone and critical building block for a better, a stronger, and a more responsive health care system for all Americans.

Again, I thank my distinguished colleague from New York. We urge all of our colleagues to look at this bill and support this bill. With this legislation, there is no doubt in my mind that we will, yes, help save money and help save time, but most importantly we will save lives.

I ask unanimous consent that the text of the bill we will shortly send to the desk be printed in the RECORD.

Mr. OBAMA. Mr. President, I am proud to join Senators FRIST and CLINTON in introducing the Health Technology to Enhance Quality Act of 2005.

Our national health care system is in crisis. Forty-five million Americans are uninsured, and this number continues to rise. Health care costs are increasing at almost double digit rates. Millions of Americans are suffering, and dying, from diseases such as diabetes or AIDS that could have been prevented or delayed for many years. And the chance of Americans receiving the right care, at the right time and for the right reason is no greater than the flip of a coin.

These health care issues are varied and complex, as are the solutions. But, as one of my constituents advised, it is time for us in the Congress to put on our hard hats, pick up our tool belts and get to work fixing our broken health care system.

One place to start is by bringing the health care system into the 21st century. In our lifetimes, we have seen some of the greatest advances in the history of technology and the sharing of information. Yet, in our health care system, too much care is still provided with a pen and paper. Too much information about patients is not shared between doctors or readily available to them in the first place. And providers too often do not have the information to know what care has worked most effectively and efficiently to make patients healthy.

Mistakes are easily made—medical errors alone kill up to 98,000 people a year, more people than the number who die from AIDS each year.

But embracing 21st century technology is not just about reducing errors and improving the quality of medical care. It is also about cost.

We spend nearly $1.5 trillion a year on health care in America. But a quarter of that money—one out of every four dollars—is spent on non-medical costs—most of it on bills and paperwork. Every transaction you make at a bank now costs them less than a penny. Yet, because we have not updated technology in the rest of the health care industry, a single transaction still costs up to $25—not one dime of which goes toward improving the quality of our health care.

The Health Technology to Enhance Quality Act of 2005 is going to help bring the health care system into the 21st century. This bill will lead to the development and implementation of health information technology standards to ensure interoperability of health information systems. The legislation codifies the Office of National Coordinator for Information Technology and establishes standards for the electronic exchange of health information. The bill also provides grant funding to support development of health information technology infrastructure as well as measurement of the quality of care provided to patients.

This legislation will help our health care system take a huge step forward. A vote for the Health TEQ Act is a vote for health care that is safe, effective, and affordable. I urge my colleagues to join us in passing this bill quickly.

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

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Technology to Enhance Quality Act of 2005'' or the ''Health TEQ Act of 2005''.

TITLE I—HEALTH INFORMATION TECHNOLOGY STANDARDS ADOPTION AND INFRASTRUCTURE DEVELOPMENT

SEC. 101. ESTABLISHMENT OF NATIONAL COORDINATOR; RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION ELECTRONIC EXCHANGE STANDARDS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

"SEC. 2901. DEFINITIONS.

''For purposes of this title:

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning giving that term in section 2791.

''(2) HEALTHCARE PROVIDER.—The term 'healthcare provider' means a hospital, skilled nursing facility, home health entity, healthcare clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a physician (as defined in section 1861(r)(1) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, and any other category of facility or clinician determined appropriate by the Secretary.

''(3) HEALTH INFORMATION.—The term 'health information' means any information, recorded in any form or medium, that relates to the past, present, or future physical or mental health or condition of an individual, the provision of healthcare to an individual, or the past, present, or future payment for the provision of healthcare to an individual.

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given that term in section 2791.

''(5) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

''(6) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

"SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

''(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the President in consultation with the Secretary and shall report directly to the Secretary.

''(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

''(1) improves healthcare quality, reduces medical errors, and advances the delivery of patient-centered medical care;

''(2) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

''(3) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

''(4) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on healthcare costs, quality, and outcomes;

''(5) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of healthcare information;

''(6) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(7) facilitates health research; and

''(8) ensures that patients' health information is secure and protected.

''(c) DUTIES OF NATIONAL COORDINATOR.—

''(1) IN GENERAL.—The National Coordinator shall—

''(A) facilitate the adoption of a national system for the electronic exchange of health information;

''(B) serve as the principal advisor to the Secretary on the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

''(C) ensure the adoption and implementation of standards for the electronic exchange of health information, including coordinating the activities of the Standards Working Group under section 2903;

''(D) carry out activities related to the electronic exchange of health information that reduce cost and improve healthcare quality;

''(E) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

''(F) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and

private parties of interest, including consumers, payers, employers, hospitals and other healthcare providers, physicians, community health centers, laboratories, vendors and other stakeholders;

''(G) advise the President regarding specific Federal health information technology programs; and

''(H) submit the reports described under paragraph (2).

''(2) REPORTS TO CONGRESS.—The National Coordinator shall submit to Congress, on an annual basis, a report that describes—

''(A) specific steps that have been taken to facilitate the adoption of a nationwide system for the electronic exchange of health information;

''(B) barriers to the adoption of such a nationwide system; and

''(C) recommendations to achieve full implementation of such a nationwide system.

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any such detail shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

''SEC. 2903. COLLABORATIVE PROCESS FOR THE RECOMMENDATION, ADOPTION, AND IMPLEMENTATION OF HEALTH INFORMATION STANDARDS.

''(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 60 days after the date of enactment of this title, the National Coordinator, in consultation with the Director of the National Institute of Standards and Technology (referred to in this section as the 'Director'), shall establish a permanent Electronic Health Information Standards Development Working Group (referred to in this title as the 'Standards Working Group').

''(b) COMPOSITION.—The Standards Working Group shall be composed of—

''(1) the National Coordinator, who shall serve as the chairperson of the Standards Working Group;

''(2) the Director;

''(3) representatives of the relevant Federal agencies and departments, as selected by the Secretary in consultation with the National Coordinator, including representatives of the Department of Veterans Affairs, the Department of Defense, the Office of Management and Budget, the Department of Homeland Security, and the Environmental Protection Agency;

''(4) private entities accredited by the American National Standards Institute, as selected by the National Coordinator;

''(5) representatives, as selected by the National Coordinator—

''(A) of group health plans or other health insurance issuers;

''(B) of healthcare provider organizations;

''(C) with expertise in health information security;

''(D) with expertise in health information privacy;

''(E) with experience in healthcare quality and patient safety, including those with experience in utilizing health information technology to improve healthcare quality and patient safety;

''(F) of consumer and patient organizations;

''(G) of employers;

''(H) with experience in data exchange; and

''(I) with experience in developing health information technology standards and new health information technology; and

''(6) other representatives as determined appropriate by the National Coordinator in consultation with the Secretary.

''(c) STANDARDS DEEMED ADOPTED.—On the date of enactment of this title, the Secretary and the Standards Working Group shall deem as adopted, for use by the Secretary and private entities, the standards adopted by the Consolidated Health Informatics Initiative prior to such date of enactment.

''(d) DUTIES.—

''(1) FIRST YEAR REVIEW.—Not later than 1 year after the date of enactment of this title, the Standards Working Group shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards deemed adopted under subsection (c);

''(B) identify deficiencies and omissions in such existing standards;

''(C) identity duplications and omissions in existing standards, and recommend modifications to such standards as necessary; and

''(D) submit a report to the Secretary recommending for adoption by such Secretary and private entities—

''(i) modifications to the standards deemed adopted under subsection (c); and

''(ii) any additional standards reviewed pursuant to this paragraph.

''(2) ONGOING REVIEW.—Beginning 1 year after the date of enactment of this title, and on an ongoing basis thereafter, the Standards Working Group shall—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under subsections (c) and (e);

''(B) identify deficiencies and omissions in such existing standards;

''(C) identity duplications and omissions in existing standards, and recommend modifications to such standards as necessary; and

''(D) submit reports to the Secretary recommending for adoption by such Secretary and private entities—

''(i) modifications to any existing standards; and

''(ii) any additional standards reviewed pursuant to this paragraph.

''(3) LIMITATION.—The standards described under this subsection shall not include any standards developed pursuant the Health Insurance Portability and Accountability Act of 1996.

''(e) ADOPTION BY SECRETARY.—Not later than 1 year after the receipt of a report from the Standards Working Group under paragraph (1)(D) or (2)(D) of subsection (d), the Secretary shall review and provide for the adoption by the Federal Government of any modification or standard recommended in such report.

''(f) VOLUNTARY ADOPTION.—Any standards adopted by the Secretary under this section shall be voluntary for private entities.

''(g) APPLICATION OF FACA.—

''(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Standards Working Group established under this section.

''(2) LIMITATION.—Notwithstanding paragraph (1), the 2-year termination date under section 14 of the Federal Advisory Committee Act shall not apply to the Standards Working Group.

''SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

''(a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

''(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary, in consultation with the National Coordinator and the Director of the National Institute of Standards and Technology shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintain such compliance in technical conformance with such standard.

''(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1).

''(c) DELEGATION AUTHORITY.—The Secretary may delegate the development of the criteria under subsection (a) and (b) to a private entity.

''SEC. 2905. AUTHORITY FOR COORDINATION AND SPENDING.

''(a) IN GENERAL.—The Secretary acting through the National Coordinator—

''(1) shall direct and coordinate—

''(A) Federal spending related to the development, adoption, and implementation of standards for the electronic exchange of health information; and

''(B) the adoption of the recommendations submitted to such Secretary by the Standards Working Group established under section 2903; and

''(2) may utilize the entities recognized under section 2904 to assist in implementation and certification related to the implementation by the Federal Government of the standards adopted by the Secretary under this title.

''(b) LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal agency shall expend Federal funds for the purchase of hardware, software, or support services for the purpose of implementing a standard related to the electronic exchange of health information that is not a standard adopted by the Secretary under section 2903.

''(2) EFFECTIVE DATE.—The limitation under paragraph (1) shall take effect not later than 1 year after the adoption by the Secretary of such standards under section 2903.''.

SEC. 102. ENCOURAGING SECURE EXCHANGE OF HEALTH INFORMATION.

(a) STUDY AND GRANT PROGRAMS RELATED TO STATE HEALTH INFORMATION LAWS AND PRACTICES.—

(1) STUDY OF STATE HEALTH INFORMATION LAWS AND PRACTICES.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall carry out, or contract with a private entity to carry out, a study that examines—

(i) the variation among State laws and practices that relate to the privacy, confidentiality, and security of health information;

(ii) how such variation among State laws and practices may impact the electronic exchange of health information (as defined in section 2901 of the Public Health Service Act) (as added by section 101)—

(I) among the States;

(II) between the States and the Federal Government; and

(III) among private entities; and

(iii) how such laws and practices may be harmonized to permit the secure electronic exchange of health information.

(B) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(i) describes the results of the study carried out under subparagraph (A); and

(ii) makes recommendations based on the results of such study.

(2) SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.—Title XXIX of the Public Health Service Act (as added by section 101) is amended by adding at the end the following:

"SEC. 2906. SECURE EXCHANGE OF HEALTH INFORMATION; INCENTIVE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to States to carry out programs under which such States cooperate with other States to develop and implement State policies that will facilitate the secure electronic exchange of health information utilizing the standards adopted under section 2903—

''(1) among the States;

''(2) between the States and the Federal Government; and

''(3) among private entities.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to States that provide assurance that any funding awarded under such a grant shall be used to harmonize privacy laws and practices between the States, the States and the Federal Government, and among private entities related to the privacy, confidentiality, and security of health information.

''(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information regarding the efficacy of efforts of a recipient of a grant under this section.

''(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to recipients of a grant under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.''.

(b) STUDY AND GRANT PROGRAMS RELATED TO STATE LICENSURE LAWS.—

(1) STUDY OF STATE LICENSURE LAWS.—

(A) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

(i) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

(ii) how such variation among State laws impacts the secure electronic exchange of health information (as defined in section 2901 of the Public Health Service Act) (as added by section 101)—

(I) among the States; and

(II) between the States and the Federal Government.

(B) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report that—

(i) describes the results of the study carried out under subparagraph (A); and

(ii) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

(2) REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.—Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c–18(b)) is amended by striking ''2002 through 2006'' and inserting ''2006 through 2010''.

(3) HIPAA APPLICATION TO ELECTRONIC HEALTH INFORMATION.—Title XXIX of the Public Health Service Act (as added by section 101 and amended by subsection (a)) is further amended by adding at the end the following:

"SEC. 2907. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

''The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

''(1) apply to any health information stored or transmitted in an electronic format as of the date of enactment of this title; and

''(2) apply to the implementation of standards, programs, and activities under this title.''.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall carry out, or contract with a private entity to carry out, a study that examines the integration of the standards adopted under the amendments made by this Act with the standards adopted under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(2) PLAN; REPORT.—

(A) PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, based on the results of the study carried out under paragraph (1), develop a plan for the integration of the standards described under such paragraph and submit a report to Congress describing such plan.

(B) PERIODIC REPORTS.—The Secretary shall submit periodic reports to Congress that describe the progress of the integration described under subparagraph (A).

TITLE II—FACILITATING THE ADOPTION AND IMPLEMENTATION OF INTEROPERABLE ELECTRONIC HEALTH INFORMATION

SEC. 201. GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.

Title XXIX of the Public Health Service Act (as amended by section 102) is further amended by adding at the end the following:

"SEC. 2908. GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.

''(a) IN GENERAL.—The Secretary, in consultation with the National Coordinator, may award competitive grants to eligible entities to implement regional or local health information plans to improve healthcare quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2910.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) demonstrate financial need to the Secretary;

''(2) demonstrate that one of its principal missions or purposes is to use information technology to improve healthcare quality and efficiency;

''(3) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

''(A) physicians (as defined in section 1861(r)(1) of the Social Security Act), including physicians that provide services to low income and underserved populations;

''(B) hospitals (including hospitals that provide services to low income and underserved populations);

''(C) group health plans or other health insurance issuers;

''(D) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

''(E) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

''(F) consumer organizations;

''(G) employers; and

''(H) any other healthcare providers or other entities, as determined appropriate by the Secretary;

''(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

''(5) adopt the national health information technology standards adopted by the Secretary under section 2903;

''(6) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

''(7) prepare and submit to the Secretary an application in accordance with subsection (c); and

''(8) agree to provide matching funds in accordance with subsection (e).

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, an application submitted under this subsection shall include—

''(A) clearly identified short-term and long-term objectives of the regional or local health information plan;

''(B) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

''(C) a strategy that includes initiatives to improve healthcare quality and efficiency, including the use of healthcare quality measures adopted under section 2910;

''(D) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

''(E) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

''(F) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis; and

''(G) a financial or business plan that describes—

''(i) the sustainability of the plan;

''(ii) the financial costs and benefits of the plan; and

''(iii) the entities to which such costs and benefits will accrue.

''(d) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to establish and implement a regional

or local health information plan in accordance with this section.

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may not make a grant under this section to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $125,000,000 for each of fiscal years 2006 through 2010.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligation until expended.

''SEC. 2909. REPORTS.

''Not later than 1 year after the date on which the first grant is awarded under section 2908, and annually thereafter during the grant period, an entity that receives a grant under such section shall submit to the Secretary, acting through the National Coordinator, a report on the activities carried out under the grant involved. Each such report shall include—

''(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

''(2) an analysis of the impact of the project on healthcare quality and safety;

''(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

''(4) other information as required by the Secretary.''.

SEC. 202. EXCEPTION FOR THE PROVISION OF PERMITTED SUPPORT.

(a) EXEMPTION FROM CRIMINAL PENALTIES.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(D) in subparagraph (I), as so redesignated—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following new:

''(J) subject to paragraph (4), the provision, with or without charge, of any permitted support (as defined in paragraph (4)(A) and subject to the conditions in paragraph (4)(B)) to an entity or individual for developing, implementing, operating, or facilitating the electronic exchange of health information (as defined in section 2901 of the Public Health Service Act), so long as such support is primarily designed to promote the electronic exchange of health information.''; and

(2) by adding at the end the following:

''(4) PERMITTED SUPPORT.—

''(A) DEFINITION OF PERMITTED SUPPORT.—In this section, the term 'permitted support' means the provision of, or funding used exclusively to provide or pay for, any equipment, item, information, right, license, intellectual property, software, or service, regardless of whether any such support may have utility or value to the recipient for any purpose beyond the exchange of health information (as defined in section 2901 of the Public Health Service Act).

''(B) CONDITIONS ON PERMITTED SUPPORT.—Paragraph (3)(J) shall not apply unless the following conditions are met:

''(i) The provision of permitted support is not conditioned on the recipient of such support making any referral to, or generating any business for, any entity or individual for which any Federal health care program provides reimbursement.

''(ii) The permitted support complies with the standards for the electronic exchange of health information adopted by the Secretary under section 2903 of the Public Health Service Act.

''(iii) The entity or network receiving permitted support is able to document that such support is used by the entity or the network for the electronic exchange of health information in accordance with the standards adopted by the Secretary under section 2903 of the Public Health Service Act.''.

(b) EXEMPTION FROM LIMITATION ON CERTAIN PHYSICIAN REFERRALS.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following:

''(9) PERMITTED SUPPORT.—The provision of permitted support (as described in section 1128B(b)(3)(J)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to permitted support provided on or after the date of enactment of this Act.

SEC. 203. GROUP PURCHASING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a safe harbor for group purchasing of hardware, software, and support services for the electronic exchange of health information in compliance with section 2903 of the Public Health Service Act (as added by section 101).

(b) CONDITIONS.—In establishing the safe harbor under subsection (a), the Secretary shall establish conditions on such safe harbor consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

SEC. 204. PERMISSIBLE ARRANGEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and notwithstanding any other provision of law, the Secretary shall establish guidelines in compliance with section 2903 of the Public Health Service Act that permit certain arrangements between group health plans and health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) and between healthcare providers (as defined in section 2901 of such Act, as added by section 101) in accordance with subsection (b).

(b) CONDITIONS.—In establishing the guidelines under subsection (a), the Secretary shall establish conditions on such arrangements consistent with the purposes of—

(1) improving healthcare quality;

(2) reducing medical errors;

(3) reducing healthcare costs;

(4) improving the coordination of care;

(5) streamlining administrative processes; and

(6) promoting transparency and competition.

TITLE III—ADOPTION, IMPLEMENTATION, AND USE OF HEALTHCARE QUALITY MEASURES

SEC. 301. STANDARDIZED MEASURES.

Title XXIX of the Public Health Service Act (as amended by section 201) is further amended by adding at the end the following:

''SEC. 2910. COLLABORATIVE PROCESS FOR THE DEVELOPMENT, RECOMMENDATION, AND ADOPTION OF STANDARDIZED MEASURES OF QUALITY HEALTHCARE.

''(a) IN GENERAL.—

''(1) COLLABORATION.—The Secretary, the Secretary of Defense, the Secretary of Veterans Affairs, and any other heads of relevant Federal agencies as determined appropriate by the President, (referred to in this section as the 'Secretaries') shall adopt, on an ongoing basis, uniform healthcare quality measures to assess the effectiveness, timeliness, patient self-management, patient-centeredness, efficiency, and safety of care delivered by healthcare providers across Federal healthcare programs, including those in titles XVIII, XIX, and XXI of the Social Security Act.

''(2) REVIEW OF MEASURES ADOPTED.—The Secretaries shall conduct an ongoing review of the measures adopted under paragraph (1).

''(3) EXISTING ACTIVITIES—Notwithstanding any other provision of law, the measures and reporting activities described in this subsection shall replace, to the extent practicable and appropriate, any duplicative or redundant existing measurement and reporting activities currently utilized by Federal healthcare programs, including those in titles XVIII, XIX, and XXI of the Social Security Act.

''(b) PRIORITY MEASURES.—

''(1) IN GENERAL.—In determining the measures to be adopted under subsection (a), and the timing of any such adoption, the Secretaries shall give priority to—

''(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under Federal programs;

''(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

''(C) measures which may inform healthcare decisions made by consumers and patients.

''(2) NATIONAL QUALITY FORUM MEASURES; QUALITY OF CARE INDICATORS.—To the extent determined feasible and appropriate by the Secretaries, the Secretaries shall adopt—

''(A) measures endorsed by the National Quality Forum, subject to compliance with the amendments made by the National Technology Transfer and Advancement Act of 1995; and

''(B) indicators relating to the quality of care data submitted to the Secretary by hospitals under section 1886(b)(3)(B)(vii)(II) of the Social Security Act.

''(c) COLLABORATION WITH PRIVATE ENTITIES.—

''(1) IN GENERAL.—The Secretaries may establish collaborative agreements with private entities, including group health plans

and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2908, to—

''(A) encourage the use of the healthcare quality measures adopted by the Secretary under this section; and

''(B) foster uniformity between the healthcare quality measures utilized in Federal programs and private entities.

''(2) USE OF MEASURES.—The measures adopted by the Secretaries under this section may apply in one or more disease areas and across delivery settings, in order to improve the quality of care provided or delivered by private entities.

''(d) COMPARATIVE QUALITY REPORTS.—Beginning on January 1, 2008, in order to make comparative quality information available to healthcare consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretaries and other relevant agencies shall provide for the aggregation, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

''(e) EVALUATIONS.—

''(1) ONGOING EVALUATIONS OF USE.—The Secretary shall ensure the ongoing evaluation of the use of the healthcare quality measures adopted under this section.

''(2) EVALUATION AND REPORT.—

''(A) EVALUATION.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretaries to adopt uniform healthcare quality measures and reporting requirements for federally supported healthcare delivery programs as required under this section.

''(B) REPORT.—Not later than 2 years after the date of enactment of this title, the Secretary shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).''.

SEC. 302. VALUE BASED PURCHASING PROGRAMS; SENSE OF THE SENATE.

(a) MEDICARE VALUE BASED PURCHASING PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) a value based purchasing pilot program based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information by entities (including Federally qualified health centers, as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4))) pursuant to the standards adopted under section 2903 of the Public Health Service Act (as added by section 101). Such pilot program should be based on experience gained through previous demonstration projects conducted by the Secretary, including demonstration projects conducted under sections 1866A and 1866C of the Social Security Act (42 U.S.C. 1395cc–1; 1395cc–3), section 649 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2322), and other relevant work conducted by private entities.

(2) EXPANSION.—After conducting the pilot program under paragraph (1) for not less than 2 years, the Secretary may transition and implement such program on a national basis.

(3) FUNDING.—

(A) IN GENERAL.—Payments for the costs of carrying out the provisions of this subsection shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) (in this subsection referred to as the ''Trust Funds''), as determined appropriate by the Secretary.

(B) LIMITATION TO ENSURE BUDGET NEUTRALITY.—The Secretary shall ensure that the total amount of expenditures from the Trust Funds in a year does not exceed the total amount of expenditures from the Trust Funds that would have been made in such year if this subsection had not been enacted.

(C) MONITORING AND REPORTS.—

(i) ONGOING MONITORING BY THE SECRETARY TO ENSURE FUNDING LIMITATION IS NOT VIOLATED.—The Secretary shall continually monitor expenditures made from the Trust Funds by reason of the provisions of this subsection to ensure that the limitation described in subparagraph (B) is not violated.

(ii) REPORTS.—Not later than April 1 of each year (beginning in the year following the year in which the pilot program under paragraph (1) is implemented), the Secretary shall submit a report to Congress and the Comptroller General of the United States that includes—

(I) a detailed description of—

(aa) the total amount expended from the Trust Funds (including all amounts expended as a result of the provisions of this subsection) during the previous year compared to the total amount that would have been expended from the Trust Funds during such year if this subsection had not been enacted;

(bb) the projections of the total amount that will be expended from the Trust Funds (including all amounts that will be expended as a result of the provisions of this subsection) during the year in which the report is submitted compared to the total amount that would have been expended from the Trust Funds during the year if this subsection had not been enacted; and

(cc) specify the steps (if any) that the Secretary will take pursuant to subparagraph (D) to ensure that the limitation described in subparagraph (B) will not be violated; and

(II) a certification from the Chief Actuary of the Centers for Medicare & Medicaid Services that the descriptions under items (aa), (bb), and (cc) of subclause (I) are reasonable, accurate, and based on generally accepted actuarial principles and methodologies, including that the steps described in subclause (I)(cc) will be adequate to avoid violating the limitation described in subparagraph (B).

(D) APPLICATION OF LIMITATION.—If the Secretary determines that the provisions of this subsection will result in the limitation described in subparagraph (B) being violated in any year, the Secretary shall take appropriate steps to reduce spending that is occurring by reason of such provisions, including through reducing the scope, site, and duration of the pilot project.

(E) AUTHORITY.—The Secretary shall make necessary spending adjustments under the medicare program to recoup amounts so that the limitation described in subparagraph (B) is not violated in any year.

(b) SENSE OF THE SENATE REGARDING PHYSICIAN PAYMENTS UNDER MEDICARE.—It is the sense of the Senate that modifications to the medicare fee schedule for physicians' services under section 1848 of the Social Security Act (42 U.S.C. 1394w–4) should include provisions based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information pursuant to the standards adopted under section 2903 of such Act (as added by section 101).

(c) MEDICAID VALUE BASED PURCHASING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall authorize waivers under section 1115 of the Social Security Act (42 U.S.C. 1315) for States to establish value based purchasing programs for State medicaid programs established under title XIX of such Act (42 U.S.C. 1396 et seq.). Such programs shall be based on the reporting of quality measures pursuant to those adopted in section 2910 of the Public Health Service Act (as added by section 301) and the overall improvement of healthcare quality through the use of the electronic exchange of health information pursuant to the standards adopted under section 2903 of the Public Health Service Act (as added by section 101).

(2) WAIVER.—In authorizing such waivers, the Secretary shall waive any provisions of title XI or XIX of the Social Security Act that would otherwise prevent a State from establishing a value based purchasing program in accordance with paragraph (1).

(d) QUALITY INFORMATION SHARING.—

(1) REVIEW OF MEDICARE CLAIMS DATA.—

(A) PROCEDURES.—In order to improve the quality and efficiency of items and services furnished to medicare beneficiaires under title XVIII of the Social Security Act, the Secretary shall establish procedures to review claims data submitted under such title with respect to items and services furnished or ordered by physicians.

(B) USE OF MOST RECENT MEDICARE CLAIMS DATA.—In conducting the review under subparagraph (A), the Secretary shall use the most recent claims data that is available to the Secretary.

(2) SHARING OF DATA.—Beginning in 2006, the Secretary shall periodically provide physicians with comparative information on the utilization of items and services under such title XVIII based upon the review of claims data under paragraph (1).

SEC. 303. QUALITY IMPROVEMENT ORGANIZATION ASSISTANCE.

(a) IN GENERAL.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following:

''(18) The organization shall assist, at such time and in such manner as the Secretary may require, healthcare providers (as defined in section 2901 of the Public Health Service Act) in implementing the electronic exchange of health information (as defined in such section 2901).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contracts entered into on or after the date of enactment of this Act.

By Mr. BOND:

S. 1263. A bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, the United States biotechnology industry is the world leader in innovation. This is due, in large part, to the Federal Government's partnership with the private sector to foster growth and commercialization in the hope that one day we will uncover a cure for unmet medical needs such as cystic fibrosis, heart disease, various cancers, multiple sclerosis, and AIDS.

However, the industry was dealt a major setback last year when the Small Business Administration—SBA—determined that venture-backed biotechnology companies can no longer

participate in the Small Business Innovation Research—SBIR—program. Prior to the SBA's decision, the SBIR program was an example of a highly successful Federal initiative to encourage economic growth and innovation in the biotechnology industry by funding the critical startup and development stages of a company.

Traditionally, to qualify for an SBIR grant a small business applicant had to meet two requirements: one, that the company have less than 500 employees; and two, that the business be 51 percent owned by one or more individuals. Now, according to the SBA, the term ''individuals'' means natural persons only, whereas for the past 20 years the term ''individual'' has included venture-capital companies. As a result, biotech companies backed by venture-capital funding in Missouri and throughout our Nation, who are on the cutting edge of science, can no longer participate in the program.

The biotech industry is like no other in the world because it takes such a long span of time and intense capital expenditures to bring a successful product to market. In fact, according to a study completed by the Tufts Center for the Study of Drug Development, it takes roughly 10-15 years and $800 million for a company to bring just one product to market. As you can imagine, the industry's entrepreneurs are seeking financial assistance wherever they can find it.

For the past 20 years, the SBIR program has been a catalyst for developing our Nation's most successful biotechnology companies. In addition to these important government grants, venture capital funding plays a vital role in the financial support of these same companies. The strength of our biotechnology industry is a direct result of government grants and venture capital working together.

However, some have argued that a biotech firm with a majority venture capital backing is a large business. This is simply a bogus conclusion. Venture capital firms solely invest in biotech start-ups for the possibility of a future innovation and financial return and generally do not seek to take control over the management functions or day-to-day operations of the company. Venture capital firms that seek to invest in small biotech businesses do not, simply by their investment, turn a small business into a large business. These are legitimate, small, start-up businesses. Let's not punish them.

Instead, we must work together to avoid stifling innovation. Let me be clear. Our impact today will foster cures and medicines tomorrow that were once thought to be inconceivable. However, the industry cannot do it alone. We must nurture biotechnology and help the industry grow for the future of our economy and for our well-being.

This bill that I am introducing today will do just that. It will ensure that the biotechnology industry has access to SBIR grants, as it has had for 20 years. It will level the playing field to ensure that SBIR grants are given to small businesses based on fruitful science and nothing else. This is still a young and fragile industry, and we are on the cusp of great scientific advances. However, there will be profound consequences if biotechnology companies continue to be excluded from the SBIR program.

Mr. President, I ask unanimous consent that text of the bill be in printed in the RECORD.

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

S. 1263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save America's Biotechnology Innovative Research Act of 2005'' or ''SABIR Act''.

SEC. 2. ELIGIBILITY FOR PARTICIPATION IN SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

''(x) ELIGIBILITY FOR PARTICIPATION IN SBIR PROGRAM.—

''(1) IN GENERAL.—To be eligible to receive an award under the SBIR program, a business concern—

''(A) shall have not more than 500 employees; and

''(B) shall be owned in accordance with one of the ownership requirements described in paragraph (2).

''(2) OWNERSHIP REQUIREMENTS.—The ownership requirements referred to in paragraph (1) are the following:

''(A) The business concern is—

''(i) at least 51 percent owned and controlled by individuals or eligible venture capital companies, who are citizens of or permanent resident aliens in the United States; and

''(ii) not more than 49 percent owned and controlled by a single eligible venture capital company (or group of commonly-controlled eligible venture capital companies).

''(B) The business concern is at least 51 percent owned and controlled by another business concern that is itself at least 51 percent owned and controlled by individuals who are citizens of or permanent resident aliens in the United States.

''(C) The business concern is a joint venture in which each entity to the joint venture meets one of the ownership requirements under this paragraph.

''(3) EMPLOYEE DEFINED.—For purposes of paragraph (1)(A), the term 'employee' means an individual employed by the business concern and does not include—

''(A) an individual employed by an eligible venture capital company providing financing to the business concern; or

''(B) an individual employed by any entity in which the eligible venture capital company is invested other than that business concern.

''(4) TREATMENT OF OTHER FORMS OF OWNERSHIP.—

''(A) STOCK OPTION OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by an employee stock option plan, each stock trustee or plan member shall be deemed to be an owner.

''(B) TRUST OWNERSHIP.—For purposes of this subsection, in the case of a business concern owned in whole or in part by a trust, each trustee or trust beneficiary shall be deemed to be an owner.

''(5) EXCEPTION FOR START-UP CONCERNS.—Notwithstanding paragraphs (1) through (4), any business concern that is a start-up concern shall be eligible to receive funding under the SBIR program.''.

(b) DEFINITIONS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by adding at the end the following new paragraphs:

''(9) The term 'eligible venture capital company' means a business concern—

''(A) that—

''(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(ii) is an entity that—

''(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

''(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

''(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3.

''(10) The term 'start-up concern' means a business concern that—

''(A) for at least 2 of the 3 preceding fiscal years has had—

''(i) sales of not more than $3,000,000; or

''(ii) no positive cash flow from operations; and

''(B) is not formed to acquire any business concern other than a small business concern that meets the requirement under subparagraph (A).''.

(c) REGULATIONS.—Before the date that is 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall—

(1) in accordance with the exceptions to public rulemaking under section 553(b)(A) and (B) of title 5, United States Code, promulgate regulations to implement the provisions of this Act;

(2) publish in the Federal Register a notification of the changes in eligibility for participation in the Small Business Innovation Research program made by this Act; and

(3) communicate such changes to Federal agencies that award grants under the Small Business Innovation Research program.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to any business concern that participates in the Small Business Innovation Research program on or after the date of the enactment of this Act.

By Mr. CORZINE (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, and Mr. KERRY):

S. 1264. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the Compassionate Assistance for Rape Emergencies Act. In the United States, more than 300,000 women are raped each year and an estimated 25,000 to 32,000 become pregnant as a result. That is why I am reintroducing the Compassionate Assistance

in Rape Emergencies Act, or CARE Act.

This bill will ensure that women who are survivors of sexual assault have access to the medical care they need, including emergency contraception. Emergency contraception reduces a woman's risk of becoming pregnant by up to 89 percent when taken within 72 hours of the assault. I want to be clear: emergency contraception does not end a pregnancy. Instead, emergency contraception works before a pregnancy can occur.

There is widespread consensus in the medical community that emergency contraception is safe and effective. Yet, New Jersey is one of only six States that legally require all medical providers to offer this care to rape survivors. Before this law, one-third of New Jersey's hospitals did not provide this vital medication. New Jersey's law should be the national standard. The bill would require that all hospitals that receive Federal funding offer information and access to emergency contraception for victims of rape.

In January of this year I, along with 21 Senators, wrote a letter to the Department of Justice asking that they include information about emergency contraception in their national protocol for sexual assault hospital examinations. But they did not. In all 141 pages, the protocol fails to provide sexual assault victims with access to this needed information and treatment. The protocol instead leaves the door open for health care professionals to decide whether or not to discuss certain treatment options. Today, I want to close that door.

In order to provide comprehensive medical care, hospitals must also provide quick access to preventive medication that helps protect victims of sexual assault from potentially fatal sexually transmitted diseases, such as HIV and hepatitis B. We have an obligation to protect sexual assault victims from these life threatening infections.

We must not sit idly by while so many sexual assault survivors are deprived the medical care they need and deserve. Once these survivors seek treatment we ought to make sure that they get the treatment they need. Ideology should never stand between patients and the care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Compassionate Assistance for Rape Emergencies Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) It is estimated that 25,000 to 32,000 women become pregnant each year as a result of rape or incest. An estimated 22,000 of these pregnancies could be prevented if rape survivors had timely access to emergency contraception.

(2) A 1996 study of rape-related pregnancies (published in the American Journal of Obstetrics and Gynecology) found that 50 percent of the pregnancies described in paragraph (1) ended in abortion.

(3) Surveys have shown that many hospitals do not routinely provide emergency contraception to women seeking treatment after being sexually assaulted.

(4) The risk of pregnancy after sexual assault has been estimated to be 4.7 percent in survivors who were not protected by some form of contraception at the time of the attack.

(5) The Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent if taken within days of unprotected intercourse and up to 95 percent if taken in the first 24 hours.

(6) Medical research strongly indicates that the sooner emergency contraception is administered, the greater the likelihood of preventing unintended pregnancy.

(7) In light of the safety and effectiveness of emergency contraceptive pills, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of such pills.

(8) The American College of Emergency Physicians and the American College of Obstetricians and Gynecologists agree that offering emergency contraception to female patients after a sexual assault should be considered the standard of care.

(9) Approximately 30 percent of American women of reproductive age are unaware of the availability of emergency contraception.

(10) New data from a survey of women having abortions estimates that 51,000 abortions were prevented by use of emergency contraception in 2000 and that increased use of emergency contraception accounted for 43 percent of the decrease in total abortions between 1994 and 2000.

(11) It is essential that all hospitals that provide emergency medical treatment provide emergency contraception as a treatment option to any woman who has been sexually assaulted, so that she may prevent an unintended pregnancy.

(12) Victims of sexual assault are at increased risk of contracting sexually transmitted diseases.

(13) Some sexually-transmitted infections cannot be reliably cured if treatment is delayed, and may result in high morbidity and mortality. HIV has killed over 520,000 Americans, and the Centers for Disease Control and Prevention currently estimates that over 1,000,000 Americans are infected with the virus. Even modern drug treatment has failed to cure infected individuals. Nearly 80,000 Americans are infected with hepatitis B each year, with some individuals unable to fully recover. An estimated 1,250,000 Americans remain chronically infected with the hepatitis B virus and at present, one in five of these may expect to die of liver failure.

(14) It is possible to prevent some sexually transmitted diseases by treating an exposed individual promptly. The use of post-exposure prophylaxis using antiretroviral drugs has been demonstrated to effectively prevent the establishment of HIV infection. Hepatitis B infection may also be eliminated if an exposed individual receives prompt treatment.

(15) The Centers for Disease Control and Prevention has recommended risk evaluation and appropriate application of post-exposure treatment for victims of sexual assault. For such individuals, immediate treatment is the only means to prevent a life threatening infection.

(16) It is essential that all hospitals that provide emergency medical treatment provide assessment and treatment of sexually-transmitted infections to minimize the harm to victims of sexual assault.

SEC. 3. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception has been approved by the Food and Drug Administration as a safe and effective way to prevent pregnancy after unprotected intercourse or contraceptive failure if taken in a timely manner, and is more effective the sooner it is taken; and

(B) emergency contraception does not cause an abortion and cannot interrupt an established pregnancy.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her at the hospital on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman to pay for the services.

SEC. 4. PREVENTION OF TRANSMISSIBLE DISEASE.

(a) IN GENERAL.—No hospital shall receive Federal funds unless such hospital provides risk assessment, counseling, and treatment as required under this section to a survivor of sexual assault described in subsection (b).

(b) SURVIVORS OF SEXUAL ASSAULT.—An individual is a survivor of a sexual assault as described in this subsection if the individual—

(1) presents at the hospital and declares that the individual is a victim of sexual assault, or the individual is accompanied to the hospital by another individual who declares that the first individual is a victim of a sexual assault; or

(2) presents at the hospital and hospital personnel have reason to believe the individual is a victim of sexual assault.

(c) REQUIREMENT FOR RISK ASSESSMENT, COUNSELING, AND TREATMENT.—The following shall apply with respect to a hospital described in subsection (a):

(1) RISK ASSESSMENT.—A hospital shall promptly provide a survivor of a sexual assault with an assessment of the individual's risk for contracting sexually transmitted infections as described in paragraph (2)(A), which shall be conducted by a licensed medical professional and be based upon—

(A) available information regarding the assault as well as the subsequent findings from

medical examination and any tests that may be conducted; and

(B) established standards of risk assessment which shall include consideration of any recommendations established by the Centers for Disease Control and Prevention, and may also incorporate findings of peer-reviewed clinical studies and appropriate research utilizing in vitro and non-human primate models of infection.

(2) COUNSELING.—A hospital shall provide a survivor of a sexual assault with advice, provided by a licensed medical professional, concerning—

(A) significantly prevalent sexually transmissible infections for which effective post-exposure prophylaxis exists, and for which the deferral of treatment would either significantly reduce treatment efficacy or would pose substantial risk to the individual's health; and

(B) the requirement that prophylactic treatment for infections as described in subparagraph (A) shall be provided to the individual upon request, regardless of the ability of the individual to pay for such treatment.

(3) TREATMENT.—A hospital shall provide a survivor of a sexual assault, upon request, with prophylactic treatment for infections described in paragraph (2)(A).

(4) ABILITY TO PAY.—The services described in paragraphs (1) through (3) shall not be denied because of the inability of the individual involved to pay for the services.

(5) LANGUAGE.—Any information provided pursuant to this subsection shall be clear and concise, readily comprehensible, and meet such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require that a hospital provide prophylactic treatment for a victim of sexual assault when risk evaluation according to criteria adopted by the Centers for Disease Control and Prevention clearly recommend against the application of post-exposure prophylaxis;

(2) prohibit a hospital from seeking reimbursement for the cost of services provided under this section to the extent that health insurance may reimburse for such services; and

(3) establish a requirement that any victim of sexual assault submit to diagnostic testing for the presence of any infectious disease.

(e) LIMITATION.—Federal funds may not be provided to a hospital under any health-related program unless the hospital complies with the requirements of this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) EMERGENCY CONTRACEPTION.—The term ''emergency contraception'' means a drug, drug regimen, or device that is—

(A) approved by the Food and Drug Administration to prevent pregnancy; and

(B) is used postcoitally.

(2) HOSPITAL.—The term ''hospital'' has the meaning given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title. Such term includes a health care facility that is located within, or contracted to, a correctional institution or a post-secondary educational institution.

(3) LICENSED MEDICAL PROFESSIONAL.—The term ''licensed medical professional'' means a doctor of medicine, doctor of osteopathy, registered nurse, physician assistant, or any other healthcare professional determined appropriate by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SEXUAL ASSAULT.—

(A) IN GENERAL.—The term ''sexual assault'' means a sexual act (as defined in subparagraphs (A) through (C) of section 2246(2) of title 18, United States Code) where the victim involved does not consent or lacks the capacity to consent.

(B) APPLICATION OF PROVISIONS.—The definition under subparagraph (A) shall—

(i) in the case of section 2, apply to males and females, as appropriate;

(ii) in the case of section 3, apply only to females; and

(iii) in the case of section 4, apply to all individuals.

SEC. 6. EFFECTIVE DATE; AGENCY CRITERIA.

This Act shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary of Health and Human Services shall publish in the Federal Register criteria for carrying out this Act.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. CLINTON, Mr. ISAKSON, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. INHOFE, and Mr. JEFFORDS):

S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I speak as Chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety to introduce a landmark, bipartisan piece of legislation—the Diesel Emissions Reduction Act of 2005.

This bill is cosponsored by Environment and Public Works Committee JIM INHOFE and ranking member JIM JEFFORDS and Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN. Focused on improving air quality and protecting public health, it would establish voluntary national and state-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards.

Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense; Clean Air Task Force; Union of Concerned Scientists; Ohio Environmental Council; Caterpillar Inc.; Cummins Inc.; Diesel Technology Forum; Emissions Control Technology Association; Associated General Contractors of America; State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials; Ohio Environmental Protection Agency; Regional Air Pollution Control Agency in Dayton, Ohio; Mid-Ohio Regional Planning Commission.

The cosponsors of this legislation and these groups do not agree on many issues—which is why this bill is so special.

The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong action with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not be realized until 2030 because these regulations address new engines and the estimated 11 million existing engines have a long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that were working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the nation's 495 and Ohio's 38 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center doctors—as recently as this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways.

It became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work is being revealed today in the Diesel Emissions Reduction Act of 2005.

This legislation would establish voluntary national and State-level grant and loan programs to promote the reduction of diesel emissions. It would authorize $1 billion over 5 years—$200 million annually. Some will claim that this is too much money and others will claim it is not enough—which is probably why it is just right.

We should first recognize that the need far outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. Furthermore, as a former Governor, I know firsthand that the new air quality standards are an unfunded mandate on our states and localities—and they need the Federal Government's help.

This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The bill is efficient with the Federal Government's dollars in several ways. First, 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. 10 percent of the bill's overall funding would be set aside as an incentive for States to match the Federal dollars being provided. The remaining 70 percent of the program would be administered by the EPA.

Second, the program would focus on nonattainment areas where help is needed the most. Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about public dollars. Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the bill would include provisions to help develop new technologies, encourage more action through non-financial incentives, and require EPA to outreach to stakeholders and report on the success of the program.

EPA estimates that this billion dollar program would leverage an additional $500 million leading to a net benefit of almost $20 billion with a reduction of about 70,000 tons of particulate matter. This is a 13 to 1 benefit-cost ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support, and it is needed desperately. I plan to work with the bill's cosponsors and the coalition to use every avenue to get it signed into law as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diesel Emissions Reduction Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CERTIFIED ENGINE CONFIGURATION.—The term ''certified engine configuration'' means a new, rebuilt, or remanufactured engine configuration—

(A) that has been certified or verified by—

(i) the Administrator; or

(ii) the California Air Resources Board;

(B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and

(C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—

(i) removed from the vehicle; and

(ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a regional, State, local, or tribal agency with jurisdiction over transportation or air quality; and

(B) a nonprofit organization or institution that—

(i) represents organizations that own or operate diesel fleets; or

(ii) has, as its principal purpose, the promotion of transportation or air quality.

(4) EMERGING TECHNOLOGY.—The term ''emerging technology'' means a technology that is not certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.

(5) HEAVY-DUTY TRUCK.—The term ''heavy-duty truck'' has the meaning given the term ''heavy duty vehicle'' in section 202 of the Clean Air Act (42 U.S.C. 7521).

(6) MEDIUM-DUTY TRUCK.—The term ''medium-duty truck'' has such meaning as shall be determined by the Administrator, by regulation.

(7) VERIFIED TECHNOLOGY.—The term ''verified technology'' means a pollution control technology, including a retrofit technology, that has been verified by—

(A) the Administrator; or

(B) the California Air Resources Board.

SEC. 3. NATIONAL GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—The Administrator shall use 70 percent of the funds made available to carry out this Act for each fiscal year to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities to achieve significant reductions in diesel emissions in terms of—

(1) tons of pollution produced; and

(2) diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

(b) DISTRIBUTION.—

(1) IN GENERAL.—The Administrator shall distribute funds made available for a fiscal year under this Act in accordance with this section.

(2) FLEETS.—The Administrator shall provide not less than 50 percent of funds available for a fiscal year under this section to eligible entities for the benefit of public fleets.

(3) ENGINE CONFIGURATIONS AND TECHNOLOGIES.—

(A) CERTIFIED ENGINE CONFIGURATIONS AND VERIFIED TECHNOLOGIES.—The Administrator shall provide not less than 90 percent of funds available for a fiscal year under this section to eligible entities for projects using—

(i) a certified engine configuration; or

(ii) a verified technology.

(B) EMERGING TECHNOLOGIES.—

(i) IN GENERAL.—The Administrator shall provide not more than 10 percent of funds available for a fiscal year under this section to eligible entities for the development and commercialization of emerging technologies.

(ii) APPLICATION AND TEST PLAN.—To receive funds under clause (i), a manufacturer, in consultation with an eligible entity, shall submit for verification to the Administrator or the California Air Resources Board a test plan for the emerging technology, together with the application under subsection (c).

(c) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant or loan under this section, an eligible entity shall submit to the Administrator an application at a time, in a manner, and including such information as the Administrator may require.

(2) INCLUSIONS.—An application under this subsection shall include—

(A) a description of the air quality of the area served by the eligible entity;

(B) the quantity of air pollution produced by the diesel fleet in the area served by the eligible entity;

(C) a description of the project proposed by the eligible entity, including—

(i) any certified engine configuration, verified technology, or emerging technology to be used by the eligible entity; and

(ii) the means by which the project will achieve a significant reduction in diesel emissions;

(D) an evaluation (using methodology approved by the Administrator or the National Academy of Sciences) of the quantifiable and unquantifiable benefits of the emissions reductions of the proposed project;

(E) an estimate of the cost of the proposed project;

(F) a description of the age and expected lifetime control of the equipment used by the eligible entity;

(G) a description of the diesel fuel available to the eligible entity, including the sulfur content of the fuel; and

(H) provisions for the monitoring and verification of the project.

(3) PRIORITY.—In providing a grant or loan under this section, the Administrator shall give priority to proposed projects that, as determined by the Administrator—

(A) maximize public health benefits;

(B) are the most cost-effective;

(C) serve areas—

(i) with the highest population density;

(ii) that are poor air quality areas, including areas identified by the Administrator as—

(I) in nonattainment or maintenance of national ambient air quality standards for a criteria pollutant;

(II) Federal Class I areas; or

(III) areas with toxic air pollutant concerns;

(iii) that receive a disproportionate quantity of air pollution from a diesel fleet, including ports, rail yards, and distribution centers; or

(iv) that use a community-based multistakeholder collaborative process to reduce toxic emissions;

(D) include a certified engine configuration, verified technology, or emerging technology that has a long expected useful life;

(E) will maximize the useful life of any retrofit technology used by the eligible entity; and

(F) use diesel fuel with a sulfur content of less than or equal to 15 parts per million, as the Administrator determines to be appropriate.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant or loan provided under this section to fund the costs of—

(A) a retrofit technology (including any incremental costs of a repowered or new diesel engine) that significantly reduces emissions through development and implementation of a certified engine configuration, verified technology, or emerging technology for—

(i) a bus;

(ii) a medium-duty truck or a heavy-duty truck;

(iii) a marine engine;

(iv) a locomotive; or

(v) a nonroad engine or vehicle used in—

(I) construction;

(II) handling of cargo (including at a port or airport);

(III) agriculture;

(IV) mining; or

(V) energy production; or

(B) an idle-reduction program involving a vehicle or equipment described in subparagraph (A).

(2) REGULATORY PROGRAMS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), no grant or loan provided under this section shall be used to fund the costs of emissions reductions that are mandated under Federal, State or local law.

(B) MANDATED.—For purposes of subparagraph (A), voluntary or elective emission reduction measures shall not be considered ''mandated'', regardless of whether the reductions are included in the State implementation plan of a State.

SEC. 4. STATE GRANT AND LOAN PROGRAMS.

(a) IN GENERAL.—Subject to the availability of adequate appropriations, the Administrator shall use 30 percent of the funds made available for a fiscal year under this Act to support grant and loan programs administered by States that are designed to achieve significant reductions in diesel emissions.

(b) APPLICATIONS.—The Administrator shall—

(1) provide to States guidance for use in applying for grant or loan funds under this section, including information regarding—

(A) the process and forms for applications;

(B) permissible uses of funds received; and

(C) the cost-effectiveness of various emission reduction technologies eligible to be carried out using funds provided under this section; and

(2) establish, for applications described in paragraph (1)—

(A) an annual deadline for submission of the applications;

(B) a process by which the Administrator shall approve or disapprove each application; and

(C) a streamlined process by which a State may renew an application described in paragraph (1) for subsequent fiscal years.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall allocate among States for which applications are approved by the Administrator under subsection (b)(2)(B) funds made available to carry out this section for the fiscal year.

(2) ALLOCATION.—Using not more than 20 percent of the funds made available to carry out this section for a fiscal year, the Administrator shall provide to each State described in paragraph (1) for the fiscal year an allocation of funds that is equal to—

(A) if each of the 50 States qualifies for an allocation, an amount equal to 2 percent of the funds made available to carry out this section; or

(B) if fewer than 50 States qualifies for an allocation, an amount equal to the amount described in subparagraph (A), plus an additional amount equal to the product obtained by multiplying—

(i) the proportion that—

(I) the population of the State; bears to

(II) the population of all States described in paragraph (1); by

(ii) the amount of funds remaining after each State described in paragraph (1) receives the 2-percent allocation under this paragraph.

(3) STATE MATCHING INCENTIVE.—

(A) IN GENERAL.—If a State agrees to match the allocation provided to the State under paragraph (2) for a fiscal year, the Administrator shall provide to the State for the fiscal year an additional amount equal to 50 percent of the allocation of the State under paragraph (2).

(B) REQUIREMENTS.—A State—

(i) may not use funds received under this Act to pay a matching share required under this subsection; and

(ii) shall not be required to provide a matching share for any additional amount received under subparagraph (A).

(4) UNCLAIMED FUNDS.—Any funds that are not claimed by a State for a fiscal year under this subsection shall be used to carry out section 3.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and, to the extent practicable, the priority areas listed in section 3(c)(3), a State shall use any funds provided under this section to develop and implement such grant and low-cost revolving loan programs in the State as are appropriate to meet State needs and goals relating to the reduction of diesel emissions.

(2) APPORTIONMENT OF FUNDS.—The Governor of a State that receives funding under this section may determine the portion of funds to be provided as grants or loans.

(3) USE OF FUNDS.—A grant or loan provided under this section may be used for a project relating to—

(A) a certified engine configuration; or

(B) a verified technology.

SEC. 5. EVALUATION AND REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this Act.

(b) INCLUSIONS.—The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant or loan made under this Act, including the amount of the grant or loan;

(3) each project for which a grant or loan is provided under this Act, including the criteria used to select the grant or loan recipients;

(4) the estimated air quality benefits, cost-effectiveness, and cost-benefits of the grant and loan programs under this Act;

(5) the problems encountered by projects for which a grant or loan is provided under this Act; and

(6) any other information the Administrator considers to be appropriate.

SEC. 6. OUTREACH AND INCENTIVES.

(a) DEFINITION OF ELIGIBLE TECHNOLOGY.—In this section, the term ''eligible technology'' means—

(1) a verified technology; or

(2) an emerging technology.

(b) TECHNOLOGY TRANSFER PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator—

(A) informs stakeholders of the benefits of eligible technologies; and

(B) develops nonfinancial incentives to promote the use of eligible technologies.

(2) ELIGIBLE STAKEHOLDERS.—Eligible stakeholders under this section include—

(A) equipment owners and operators;

(B) emission control technology manufacturers;

(C) engine and equipment manufacturers;

(D) State and local officials responsible for air quality management;

(E) community organizations; and

(F) public health and environmental organizations.

(c) STATE IMPLEMENTATION PLANS.—The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through a State implementation plan under section 110 of the Clean Air Act (42 U.S.C. 7410).

(d) INTERNATIONAL MARKETS.—The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

SEC. 7. EFFECT OF ACT.

Nothing in this Act affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $200,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

By Mr. BINGAMAN:

S. 1267. A bill to amend title IV of the Higher Education Act of 1965 to reauthorize the Gaining Early Awareness and Readiness for Undergraduate Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, our country is facing a crisis. Too many of our young people leave high school without the skills necessary to meet the demands of a global economy. According to a recent U.S. Chamber of Commerce survey, 75 percent of employers report severe difficulties when trying to hire qualified workers, with 40 percent of job applicants having poor skills. As many as 3.3 million jobs may be sent overseas in the next 15 years, causing American workers to lose $136 billion in wages. The strength of our economy, and the future of our nation, largely rests on our ability to improve educational opportunities for all of our citizens.

An educated, skilled, and flexible workforce is essential to building a strong and dynamic economy, and, if we are going to maintain our country's ability to compete in a global economy, we must help prepare young people to meet the demands of the 21st century workforce. I introduce legislation that will ensure more students graduate high school ready for college and the workforce.

Only 68 percent of all students in the U.S. graduate high school on time with a regular diploma. And, the numbers are worse if the student is Hispanic, African American, Native American, has a disability, or is male. Sadly, a recent report indicates that students are dropping out at a younger age, resulting in an even less educated workforce.

For students who graduate with a high school diploma, too few go on directly to college. Astonishingly, only 38 percent of high school freshmen will earn a high school diploma and make the immediate transition to college directly after graduation. In New Mexico, the statistics are pretty staggering. For every 50 ninth graders in New Mexico, only 30 will graduate high school; 18 will enter college; 11 are still enrolled in their sophomore year; and 5.5 graduate from college within 6 years. We must do better.

We also know, unfortunately, that as many as 40 percent of this country's high school graduates are not prepared to meet the demands of college or a

competitive workforce. A survey of college professors reveals that half of all public school graduates are not adequately prepared to do college-level math or writing.

There is some good news, however; we know what works. Research conducted by the Department of Education shows that the single best predictor of college success is the quality and level of a student's high school classes. Students who take a solid college prep curriculum are less likely to need remedial classes, and are more likely to earn a college degree. In fact, evidence shows that the intensity and quality of high school curriculum is the greatest measure of completion of a bachelor's degree. Importantly, studies also show that not only do college-bound students benefit from rigorous courses, but that all students benefit from more rigorous coursework. Accordingly, it is critical that all of our young people have access to rigorous coursework in secondary school in order to meet the demands of postsecondary education and a competitive workforce.

Therefore, I introduce legislation that builds on this research and works toward a goal of ensuring that all secondary school students are enrolled in classes that prepare them to excel in college and in the workplace.

The GEAR UP program, Gaining Early Awareness and Readiness for Undergraduate Programs, was first authorized in 1998 and was designed to promote student achievement and access to postsecondary education among low-income students. Since that time, GEAR UP grants have served over a million students per year. In my home State of New Mexico, there are six GEAR UP programs that serve thousands of students in many different ways, including by instituting reading and math programs, taking students to colleges so they can begin to imagine themselves on a college campus, creating science fairs and technology training seminars, providing career and financial counseling, and many other vital services. And, the individuals who work with GEAR UP programs are some of the most dedicated professionals I have met.

I believe we can build on the successes of GEAR UP to ensure more students leave high school prepared for the academic rigor of college and a competitive workforce. My legislation, called Gearing Up for Academic Success, will support and strengthen GEAR UP so that it promotes lasting and systemic change in the schools served by the GEAR UP grant.

The legislation places a particular focus on encouraging more students to take college preparation courses, especially those who are at risk for dropping out of school. But, it also builds capacity within the school so that activities funded with a GEAR UP grant benefit not only the students who receive the services, but also future cohorts of students who enter GEAR UP schools after the initial grants have ended.

My legislation does not change the fundamental structure of GEAR UP; it maintains States and partnerships as eligible entities. The legislation, however, changes the focus and the types of activities the eligible entities must engage in. Eligible entities will now be required to provide activities that ensure more students participate in college preparation coursework. Further, my legislation requires the activities to be designed so as to benefit both current students as well as future cohorts of students.

As in current law, partnerships are comprised of school districts, institutions of higher education, and community organizations. The legislation also retains the focus on cohorts of students that exists in current law by requiring grantees to serve one grade level of students, beginning not later than the 7th grade, through the 12th grade. Unlike current law, however, partnerships will now be required to provide activities designed to ensure the secondary school completion and college enrollment of this cohort of students. The legislation will also require the partnership to focus on developing a more rigorous curriculum and on professional development opportunities for teachers of college prep courses. Consequently, future cohorts of students would benefit from the more rigorous curriculum and the professional development available to the teachers.

Partnerships may also engage in a wide variety of other activities permissible under current law, including providing mentoring and advising, creating summer programs at institutions of higher education, providing skills assessment, personal and family counseling, financial aid counseling, and activities designed to foster parent involvement in issues surrounding completion of high school and the attainment of a college education.

The State can play a more effective role in ensuring students graduate high school prepared for college, and accordingly, my legislation requires State grantees to focus on two types of activities. First, the State would be required to provide policy leadership to promote college readiness of students in the State, particularly those who are at risk of dropping out of school and those who are economically disadvantaged. And, second, the State will be responsible for promoting coordination and information sharing among all GEAR UP grantees in the state, providing technical assistance and training, disseminating information about best practices, and providing opportunities for eligible partnerships to coordinate their efforts.

This program is so worthwhile, and leadership at the State level is absolutely critical, and accordingly, propose changing the formula to make funds available to every State. When appropriations for GEAR UP exceed $400,000,000 per year, one third of the funds will be made available to each State by formula. The remainder of the allocation will go to eligible partnerships on a competitive basis.

We all can agree that it is in our national interest to ensure that all of our students leave high school prepared to meet the demands of the 21st century workforce. This legislation provides an opportunity to systemically change the way our secondary schools prepare all students for college and a competitive workforce. I ask unanimous consent the text of this bill be printed in the RECORD.

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

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gearing Up for Academic Success Act''.

SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

Chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) is amended to read as follows:

''CHAPTER 2—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

''SEC. 404A. DEFINITION OF ELIGIBLE ENTITY.

''In this chapter, the term 'eligible entity' means—

''(1) a State; or

''(2) a partnership consisting of—

''(A) 1 or more local educational agencies acting on behalf of—

''(i) 1 or more elementary schools, middle schools, or secondary schools; and

''(ii) the secondary schools that students from the schools described in clause (i) would normally attend;

''(B) 1 or more degree granting institutions of higher education; and

''(C) at least 2 community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.

''SEC. 404B. EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.

''The Secretary is authorized to award grants in accordance with section 404C—

''(1) to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404D(b); and

''(2) to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404D(a).

''SEC. 404C. GRANTS TO ELIGIBLE ENTITIES.

''(a) GENERAL RESERVATIONS.—From the amount appropriated under section 404H for a fiscal year the Secretary shall reserve—

''(1) an amount sufficient to continue multiyear grant and scholarship awards made under this chapter prior to the date of enactment of the Gearing Up for Academic Success Act, in accordance with the terms and conditions of such awards; and

''(2) the amount described in section 404G to carry out section 404G.

''(b) COMPETITIVE GRANT AWARDS.—

''(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is less than $400,000,000, then the Secretary shall use the amount that remains after reserving funds under subsection (a) to award

grants, on a competitive basis and in accordance with paragraph (2), to eligible entities described in paragraphs (1) and (2) of section 404A to enable the eligible entities to carry out the authorized activities described in section 404D.

''(2) DISTRIBUTION OF COMPETITIVE GRANT AWARDS.—From the amount made available under paragraph (1) that remains after reserving funds under subsection (a) for a fiscal year, the Secretary shall—

''(A) make available—

''(i) not less than 33 percent of the remainder to eligible entities described in section 404A(1); and

''(ii) not less than 33 percent of the remainder to eligible entities described in section 404A(2); and

''(B) award the remainder not made available under subparagraph (A) to eligible entities described in paragraph (1) or (2) of section 404A.

''(3) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (2)(B) based on the number, quality, and promise of the applications and adjust the distribution accordingly.

''(c) FORMULA AND COMPETITIVE GRANT AWARDS.—

''(1) IN GENERAL.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall use the amount that remains after reserving funds under subsection (a) as follows:

''(A) 33 percent of the remainder shall be used to award grants, from allotments under paragraph (2), to eligible entities described in section 404A(1) to enable the eligible entities to carry out the authorized activities described in section 404D.

''(B) 67 percent of the remainder shall be used to award grants, on a competitive basis, to eligible entities described in section 404A(2) to enable the eligible entities to carry out the authorized activities described in section 404D.

''(2) FORMULA.—

''(A) RESERVATIONS.—If the amount appropriated under section 404H is greater than or equal to $400,000,000, then the Secretary shall reserve, in addition to amounts reserved under subsection (a)—

''(i) ½ of 1 percent of the amount to award grants to the outlying areas according to their respective needs for assistance under this chapter to enable the outlying areas to carry out activities authorized under this chapter; and

''(ii) 1 percent of the amount to award a grant to the Bureau of Indian Affairs to enable the Bureau of Indian Affairs to carry out activities authorized under this chapter.

''(B) FORMULA.—If the amount appropriated under section 404H for a fiscal year is equal to or greater than $400,000,000, then the Secretary shall allocate the amount that remains after reserving funds under subsection (a) and subparagraph (A) among eligible entities having plans approved under section 404E as follows:

''(i) 50 percent of the remainder shall be allocated on the basis of the number of individuals in the State; and

''(ii) 50 percent of the remainder shall be allocated on the basis of the number of children in the State, aged 5 through 17, who are from families with incomes below the poverty line.

''(C) CENSUS DATA.—In allocating funds under subparagraph (A) the Secretary shall use the most recent data available from the Bureau of the Census.

''(D) DEFINITIONS.—In this paragraph;

''(i) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(ii) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(iii) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 404D. AUTHORIZED ACTIVITIES.

''(a) USES OF FUNDS FOR PARTNERSHIPS.—

''(1) COHORT APPROACH.—

''(A) IN GENERAL.—The Secretary shall require that eligible entities described in section 404A(2)—

''(i) provide services under this chapter to at least 1 grade level of students, beginning not later than 7th grade, in a participating school that has a 7th grade and in which at least 50 percent of the students enrolled are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (or, if an eligible entity determines that it would promote the effectiveness of a program, an entire grade level of students, beginning not later than the 7th grade, who reside in public housing as defined in section 3(b)(1) of the United States Housing Act of 1937); and

''(ii) ensure that the services are provided through the 12th grade to students in the participating grade level.

''(B) COORDINATION REQUIREMENT.—In carrying out subparagraph (A), the Secretary shall, where applicable, ensure that the cohort approach is done in coordination and collaboration with existing early intervention programs and does not duplicate the services already provided to a school or community.

''(2) MANDATORY ACTIVITIES.—In order to receive a grant under this chapter, an eligible entity described in section 404A(2) shall demonstrate to the satisfaction of the Secretary, in the plan submitted under section 404E, that the eligible entity will provide activities designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, with a focus on providing access to rigorous core courses that reflect challenging academic standards. Such activities shall be designed so as to ensure systemic change in the school, so that future cohorts of children will benefit from the changes as well. Such activities shall include—

''(A) enrollment of participating students in a standard college preparation curriculum or, in the case of younger students, in a curriculum that logically articulates with a college preparation curriculum;

''(B) professional development opportunities for instructors of college preparation classes; and

''(C) funds for curriculum development related to the institution of college preparation classes.

''(3) PERMISSIBLE ACTIVITIES.—In addition to the activities described in paragraph (1), an eligible entity described in section 404A(2) may provide other services or supports that are designed to ensure the secondary school completion and college enrollment of children at risk of dropping out of school, such as comprehensive mentoring, counseling, outreach, and supportive services. Examples of activities that meet the requirements of the preceding sentence include the following:

''(A) Providing participating students in elementary school, middle school, or secondary school through grade 12 with a continuing system of mentoring and advising that—

''(i) is coordinated with the Federal and State community service initiatives; and

''(ii) may include such support services as after school and summer tutoring, assistance in obtaining summer jobs, career mentoring, and academic counseling.

''(B) Requiring each student to enter into an agreement under which the student agrees to achieve certain academic milestones, such as completing a prescribed set of courses and maintaining satisfactory progress described in section 484(c), in exchange for receiving tuition assistance for a period of time to be established by each eligible entity.

''(C) Activities such as the identification of children at risk of dropping out of school, volunteer and parent involvement, providing former or current scholarship recipients as mentor or peer counselors, skills assessment, personal counseling, family counseling and home visits, and programs and activities that are specially designed for students of limited English proficiency and students with disabilities.

''(D) Summer programs for individuals who are in their sophomore or junior years of secondary school or are planning to attend an institution of higher education in the succeeding academic year, that—

''(i) are carried out at an institution of higher education which has programs of academic year supportive services for disadvantaged students through projects authorized under section 402D or through comparable projects funded by the State or other sources;

''(ii) provide for the participation of the individuals who are eligible for assistance under section 402D or who are eligible for comparable programs funded by the State;

''(iii)(I) provide summer instruction in remedial, developmental or supportive courses;

''(II) provide such summer services as counseling, tutoring, or orientation; and

''(III) provide financial assistance to the individuals to cover the individuals' summer costs for books, supplies, living costs, and personal expenses; and

''(iv) provide the individuals with financial assistance during each academic year the individuals are enrolled at the participating institution after the summer program.

''(E) Requiring eligible students to meet other standards or requirements as the State determines necessary to meet the purposes of this section.

''(F) Financial aid counseling and information regarding the opportunities for financial assistance.

''(G) Providing activities or information regarding—

''(i) fostering and improving parent involvement in—

''(I) promoting the advantages of a college education;

''(II) academic admission requirements; and

''(III) the need to take college preparation courses;

''(ii) college admission and achievement tests; and

''(iii) college application procedures.

''(b) USE OF FUNDS FOR STATES.—

''(1) MANDATORY ACTIVITIES.—In order to receive a grant under this chapter, an eligible entity described in section 404A(1) shall demonstrate to the satisfaction of the Secretary, in the plan submitted under section 404E, that the eligible entity will provide—

''(A) policy leadership designed to promote the college readiness of students in the State, especially those who are at risk of dropping out of school and those who are economically disadvantaged; and

''(B) if there are eligible entities in the State that received a grant under this chapter, services designed to promote coordination and information sharing among all such eligible entities in the State.

''(2) PERMISSIBLE ACTIVITIES.—

''(A) POLICY LEADERSHIP.—In order to meet the requirements of paragraph (1)(A), an eligible entity described in section 404A(1) may engage in the following activities:

''(i) Developing a core curriculum of college preparatory classes that can be adopted by all State secondary schools.

''(ii) Facilitating curriculum development in individual schools where needed.

''(iii) Supporting and creating professional development opportunities for teachers in relation to the core curriculum.

''(iv) Facilitating the alignment of kindergarten through grade 12 classes with the requirements for passing college entrance exams, and entering college without the need for remedial courses.

''(v) Convening and consulting with groups of individuals and organizations that can provide input and expertise related to clauses (i), (ii), (iii), and (iv).

''(vi) Developing a comprehensive, statewide database that can be used to track indicators of college readiness, and to track enrollment in and completion of college, among the secondary school students in the State.

''(vii) Other activities that will promote the college readiness of students in the State, especially students who are considered at risk for not completing secondary school.

''(C) COORDINATION AND INFORMATION SHARING.—In order to meet the requirements of paragraph (1)(B), an eligible entity described in section 404A(1) may engage in the following activities:

''(i) Providing technical assistance and training for eligible entities described in section 404A(2) that receive a grant under this chapter.

''(ii) Disseminating information about best practices among eligible entities described in section 404A(2) that receive a grant under this chapter.

''(iii) Providing eligible entities described in section 404A(2) that receive a grant under this chapter with opportunities for coordinating their efforts and networking.

''(iv) Assisting eligible entities described in section 404A(2) that receive a grant under this chapter in adopting a core curriculum and providing professional development opportunities for teachers.

''(v) Providing a centralized source of information, regarding college planning, college entrance requirements, and opportunities for financial aid, to students in the State.

''(vi) Providing other services that promote and support the activities of eligible entities described in section 404A(2) in the State that receive a grant under this chapter.

''(c) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.

''SEC. 404E. ELIGIBLE ENTITY PLANS.

''(a) PLAN REQUIRED FOR ELIGIBILITY.—

''(1) IN GENERAL.—In order for an eligible entity to receive a grant under this chapter, the eligible entity shall submit to the Secretary a plan for carrying out the program under this chapter.

''(2) CONTENTS.—Each plan submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require by regulation. Each plan shall—

''(A) describe the activities for which assistance under this chapter is sought; and

''(B) provide such assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter.

''(3) ADDITIONAL REQUIREMENTS FOR PARTNERSHIPS.—An eligible entity described in section 404A(2) shall also include in its plan—

''(A) a description of the college preparation curriculum that will be instituted;

''(B) a description of all uses of funds;

''(C) a description of how the funds provided under this chapter shall be used to affect systemic schoolwide change that will ensure that future cohorts of students will also benefit from the use of the grant funds; and

''(D) a needs analysis detailing the ways in which the funds provided under this chapter will be most profitably used to ensure the success of curricular changes (for example, by spending such funds on professional development, the purchase of curricular materials, or other activities).

''(4) ADDITIONAL REQUIREMENTS FOR STATES.—An eligible entity described in section 404A(1) shall also include in its plan—

''(A) an assessment of the activities and programs most needed to enhance the college readiness of students in the State;

''(B) a description of how the proposed activities will enhance the college readiness of students in the State;

''(C) a description of how the State will ensure that students who are at risk of dropping out of school and those who are economically disadvantaged receive and benefit from the proposed activities; and

''(D) if applicable, a description of how the proposed activities will promote coordination and information-sharing among all eligible entities in the State that receive a grant under this chapter.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Secretary shall not approve a plan submitted under subsection (a) unless such plan—

''(A) provides that the eligible entity will provide, from State, local, institutional, or private funds, not less than 50 percent of the cost of the program, which matching funds may be provided in cash or in kind;

''(B) specifies the methods by which matching funds will be paid; and

''(C) includes provisions designed to ensure that funds provided under this chapter shall supplement and not supplant funds expended for existing programs.

''(2) SPECIAL RULE.—Notwithstanding the matching requirement described in paragraph (1)(A), the Secretary may modify, by regulation, the percentage requirement described in paragraph (1)(A) for eligible entities described in section 404A(2).

''(3) METHODS FOR COMPLYING WITH MATCHING REQUIREMENT.—An eligible entity may count toward the matching requirement described in subsection (b)(1)(A)—

''(A) the amount of the financial assistance paid to students from State, local, institutional, or private funds under this chapter;

''(B) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under this chapter; and

''(C) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of nonschool organizations, including businesses, religious organizations, community groups, postsecondary educational institutions, nonprofit and philanthropic organizations, and other organizations.

''(c) PEER REVIEW PANELS.—The Secretary shall convene peer review panels to assist in making determinations regarding the awarding of grants under this chapter.

''SEC. 404F. REQUIREMENTS.

''(a) COORDINATION.—Each eligible entity shall ensure that the activities assisted under this chapter are, to the extent practicable, coordinated with, and complement and enhance—

''(1) services under this chapter provided by other eligible entities serving the same school district or State; and

''(2) related services under other Federal or non-Federal programs.

''(b) DESIGNATION OF FISCAL AGENT.—An eligible entity described in section 404A(2) shall designate an institution of higher education or a local educational agency as the fiscal agent for the eligible entity for purposes of this chapter.

''(c) COORDINATORS.—Each eligible entity described in section 404A(2) that receives a grant under this chapter shall have a full-time program coordinator or a part-time program coordinator, whose primary responsibility is to assist such eligible entity in carrying out the authorized activities described in section 404D(a).

''(d) DISPLACEMENT.—An eligible entity described in 404A(2) shall ensure that the activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages, or employment benefits.

''SEC. 404G. EVALUATION AND REPORT.

''(a) EVALUATION.—Each eligible entity receiving a grant under this chapter shall biennially evaluate the activities assisted under this chapter in accordance with the standards described in subsection (b) and shall submit to the Secretary a copy of such evaluation. The evaluation shall permit service providers to track eligible student progress during the period such students are participating in the activities and shall be consistent with the standards developed by the Secretary pursuant to subsection (b).

''(b) EVALUATION STANDARDS.—The Secretary shall prescribe standards for the evaluation described in subsection (a). Such standards shall—

''(1) provide for input from eligible entities and service providers; and

''(2) ensure that data protocols and procedures are consistent and uniform.

''(c) FEDERAL EVALUATION.—In order to evaluate and improve the impact of the activities assisted under this chapter, the Secretary shall, from not more than 0.75 percent of the funds appropriated under section 404H for a fiscal year, award 1 or more grants, contracts, or cooperative agreements to or with public and private institutions and organizations, to enable the institutions and organizations to evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation.

''(d) REPORT.—The Secretary shall biennially report to Congress regarding the activities assisted under this chapter and the evaluations conducted pursuant to this section.

''SEC. 404H. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter $400,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR

Mr. BROWNBACK (for himself and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 172

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that ''genocide has been committed in Darfur'';

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that ''the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide'';

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that ''[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish'';

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the ''continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts'';

Whereas scholars estimate that as many as 400,000 have died from violence, hunger and disease since the outbreak of conflict in Darfur began in 2003, and that as many as 10,000 may be dying each month;

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur and Chad;

Whereas religious leaders, genocide survivors, and world leaders have expressed grave concern over the continuing atrocities taking place in Darfur; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 173—EXPRESSING SUPPORT FOR THE GOOD FRIDAY AGREEMENT OF 1998 AS THE BLUEPRINT FOR LASTING PEACE IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Ms. COLLINS, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Mr. KENNEDY. Mr. President, Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I are submitting a resolution expressing support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us are hopeful that a constructive way forward will be found, and the way to do so is by continuing to implement the Good Friday Agreement.

The 1998 agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and in the Republic of Ireland. The parties to the Good Friday Agreement made a clear commitment to ''partnership, equality, and mutual respect'' as the basis for moving forward to end the long-standing conflict and achieve lasting peace for all the people of Northern Ireland. The parties to the agreement affirmed their ''total and absolute commitment to exclusively democratic and peaceful means'' to achieve the goal of peace.

Our resolution reiterates the support for the agreement as the way forward in Northern Ireland. It rejects the statement of Democratic Unionist leader Ian Paisley, who said in May that the Good Friday Agreement ''should be given a reasonable burial.'' Inclusive power sharing based on the defining qualities of the agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties, according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the agreement, including the Executive and the North-South Ministerial Council, to benefit all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the Police Service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland and complete the process of demilitarization in Northern Ireland and advance equality and human rights in Northern Ireland.

The U.S. Government continues to strongly support the peace process in Northern Ireland. The Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

S. RES. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to ''partnership, equality, and mutual respect'' as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their ''total and absolute commitment to exclusively democratic and peaceful means'' in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary and criminal activity in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved, That—

(1) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the Irish Republican Army must immediately—

(i) complete the process of decommissioning;

(ii) cease to exist as a paramilitary organization; and

(iii) end its involvement in any way in paramilitary and criminal activity;

(B) the Democratic Unionist Party in Northern Ireland must—

(i) share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;

(C) Sinn Fein must work in good faith with the Police Service of Northern Ireland;

(D) the leadership of Sinn Fein must insist that those responsible for the murder of Robert McCartney and those who were witnesses to the murder—

(i) cooperate directly with the Police Service of Northern Ireland; and

(ii) be protected fully from any retaliation by the Irish Republican Army; and

(E) the Government of the United Kingdom must—

(i) permanently restore the democratic institutions of Northern Ireland;

(ii) complete the process of demilitarization in Northern Ireland; and

(iii) advance equality and human rights agendas in Northern Ireland.

SENATE RESOLUTION 174—RECOGNIZING BURMESE DEMOCRACY ACTIVIST AND NOBEL PEACE LAUREATE AUNG SAN SUU KYI AS A SYMBOL OF THE STRUGGLE FOR FREEDOM IN BURMA

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. LUGAR, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 174

Whereas June 19, 2005 marks the 60th birthday of Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi;

Whereas Burma is misruled by the State Peace and Development Council, an illegitimate, repressive military junta led by General Than Shwe;

Whereas although the main opposition party in Burma, the National League for Democracy, won a landslide victory in national elections in 1990, the State Peace and Development Council has refused to honor the results of that election and peacefully transfer power in Burma;

Whereas the State Peace and Development Council as a matter of policy carries out a campaign of violence and intimidation against the people of Burma and ethnic minorities that includes the use of rape, torture, and terror;

Whereas hundreds of democracy activists, including Aung San Suu Kyi who is the leader of the National League for Democracy, remain imprisoned by the repressive State Peace and Development Council; and

Whereas the United States and other democratic countries recognize and applaud the dedication and commitment to freedom demonstrated by Aung San Suu Kyi and the people of Burma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the spirit and dedication of the people of Burma who are courageously and nonviolently struggling for freedom, human rights, and justice;

(2) calls for the immediate and unconditional release of Aung San Suu Kyi and all other prisoners of conscience who are held by the State Peace and Development Council, the illegitimate, repressive military junta in power in Burma; and

(3) strongly urges Secretary of State Condoleezza Rice to initiate a discussion of the repressive practices of the State Peace and Development Council during the 12th Association of Southeast Asian Nations regional forum and post-ministerial meeting scheduled to take place in Vientiane, Laos on July 29, 2005.

SENATE RESOLUTION 175—COMMENDING THE UNIVERSITY OF MICHIGAN SOFTBALL TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CHAMPIONSHIP ON JUNE 8, 2005

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 175

Whereas the top-ranked University of Michigan softball team defeated the University of California–Los Angeles (UCLA) Bruins in the Women's College World Series 2 games to 1, becoming only the eighth team to win the National Collegiate Athletic Association (NCAA) Softball Championship and the first Big Ten Conference team to claim a national title in softball or baseball since 1966;

Whereas the University of Michigan softball team clinched the 2005 Women's College World Series in an exciting extra-innings game with a 3-run homer in the 10th inning to win 4 to 1;

Whereas the University of Michigan softball team hit a home run in 57 of 65 games during the 2005 season and is just 1 of 3 schools in NCAA history to hit 100 home runs in a season;

Whereas in 2005, the University of Michigan softball team earned its first Number 1 ranking in school history and won its tenth Big Ten Conference championship and seventh Big Ten Tournament title en route to advancing to its eighth Women's College World Series;

Whereas the NCAA championship title marks the 52nd national championship for a sports program at the University of Michigan, the second for a women's athletic program at Michigan, and the first for a softball program east of the Mississippi River;

Whereas the University of Michigan softball team mounted an impressive season record of 65 wins and 7 losses;

Whereas Coach Carol Hutchins eclipsed the 900 win mark, capping a stellar 21 year career at Michigan that has seen her become the most victorious coach in University of Michigan history, currently ranking among the top 10 Division I active coaches, with 940 career wins and a .729 winning percentage;

Whereas 2 University of Michigan softball players, shortstop Jessica Merchant and pitcher Jennie Ritter, were finalists for the USA Softball Collegiate Player of the Year Award;

Whereas a record-tying 8 players from the University of Michigan softball team were named to the Big Ten All-Conference Team, and 6 players were named to the Spring 2005 Academic All-Big Ten Conference Team;

Whereas the University of Michigan softball team was led by the solid coaching of Carol Hutchins, Bonnie Tholl, Jennifer Brundage, and Jennifer Teague;

Whereas players on the University of Michigan softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy; and

Whereas Michigan had tremendous support from its hometown fans during their season, setting a home attendance record in 2005, and bringing in the 5 largest crowds in program history: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Michigan softball team for winning the 2005 National Collegiate Athletic Association Division I Championship on June 8, 2005;

(2) recognizes all of the players and coaches who were instrumental in this achievement; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the University of Michigan athletic department for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 790. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table.

SA 791. Mr. BINGAMAN (for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. REID, Mr. SALAZAR, Mr. OBAMA, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, and Ms. SNOWE) proposed an amendment to the bill H.R. 6, supra.

SA 792. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 793. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 794. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, supra.

SA 795. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 796. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 790. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term ''waste derived ethanol'' means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term ''ethanol'' means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in

the contiguous United States contains 10 percent ethanol by 2015.

SA 791. Mr. BINGAMAN (for himself, Mr. COLEMAN, Mr. JEFFORDS, Ms. COLLINS, Mr. DORGAN, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. REID, Mr. SALAZAR, Mr. OBAMA, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, and Ms. SNOWE) proposed an amendment to the bill H.R. 6, Reserved; as follows:

At the end of title II, add the following:

Subtitle F—Renewable Portfolio Standard

SEC. 271. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	Minimum annual percentage:
2008 through 2011	2.5
2012 through 2015	5.0
2016 through 2019	7.5
2020 through 2030	10.0.

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) generating electric energy using new renewable energy or existing renewable energy;

''(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

''(C) purchasing renewable energy credits issued under subsection (b); or

''(D) a combination of the foregoing.

''(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) Not later than January 1, 2007, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

''(2) As part of such program the Secretary shall—

''(A) issue renewable energy credits to generators of electric energy from new renewable energy;

''(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

''(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section; and

''(D) allow double credits for generation from facilities on Indian Lands, and triple credits for generation from small renewable distributed generators (meaning those those no larger than 1 megawatt).

''(3) Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) The Secretary shall establish, not later than December 31, 2008, a State renewable energy account program.

''(2) All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

''(3) Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(i) DEFINITIONS.—For purposes of this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section from solar, wind, or geothermal energy; ocean energy; biomass (as defined in section 203(a) of the Energy Policy Act of 2005); or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy, over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) which was placed in service at least 7 years before the date of enactment of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual

generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(a) of the Energy Policy Act of 2005);

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

''(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(a) of the Energy Policy Act of 2005);

''(III) landfill gas; or

''(IV) incremental hydropower.

''(ii) the incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

SA 792. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 208, strike lines 11 through 20 and insert the following:

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—

(1) DEFINITION OF PRICE OF OIL.—In this subsection, the term ''price of oil'' means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) ACQUISITION.—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) SUSPENSION OF ACQUISITIONS.—

(A) IN GENERAL.—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds $58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) ACQUISITION.—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below $40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

SA 793. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

Beginning on page 135, strike line 6 and all that follows through page 160, line 1, and insert the following:

(d) REPORT.—Not later than April 16, 2007, and every 3 years thereafter, the Secretary shall provide to Congress a report on the progress of the Federal Government in meeting the goals established by this section.

Subtitle B—Reliable Fuels

SEC. 211. RENEWABLE CONTENT OF GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this section and section 212:

''(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(B) CELLULOSIC BIOMASS FEEDSTOCK.—The term 'cellulosic biomass feedstock' means—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(C) CELLULOSIC BIOMASS-DERIVED LIQUID ALTERNATIVE FUEL.—

''(i) IN GENERAL.—The term 'cellulosic biomass-derived liquid alternative fuel' means an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), or a blending component for alternate fuel, that—

''(I) is derived from cellulosic biomass feedstock or waste; and

''(II) remains substantially in a liquid phase at room temperature and atmospheric pressure.

''(ii) CERTAIN LIQUID ALTERNATIVE FUELS.—For any liquid alternative fuel that contains a component that is not derived from a cellulosic biomass feedstock or waste, only the portion of the fuel that is derived from a cellulosic biomass feedstock shall be considered to be a biomass-derived liquid alternative fuel.

''(D) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

''(I)(aa) is produced from grain, starch, oilseeds, sugarcane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

''(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

''(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(ii) INCLUSION.—The term 'renewable fuel' includes—

''(I) cellulosic biomass ethanol; and

''(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

''(E) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

''(F) WASTE.—The term 'waste' means—

''(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

''(ii) municipal solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

''(2) RENEWABLE FUEL PROGRAM.—

''(A) REGULATIONS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

''(ii) NONCONTIGUOUS STATE OPT-IN.—

''(I) IN GENERAL.—On the petition of a noncontiguous State or territory, the Administrator may allow the renewable fuel program established under this subsection to apply in the noncontiguous State or territory at the same time or any time after the Administrator promulgates regulations under this subparagraph.

''(II) OTHER ACTIONS.—In carrying out this clause, the Administrator may—

''(aa) issue or revise regulations under this paragraph;

''(bb) establish applicable percentages under paragraph (3);

''(cc) provide for the generation of credits under paragraph (5); and

''(dd) take such other actions as are necessary to allow for the application of the renewable fuels program in a noncontiguous State or territory.

''(iii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(II) shall not—

''(aa) restrict geographic areas in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iv) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 3.2 percent for calendar year 2006.

''(B) APPLICABLE VOLUME.—

''(i) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0.

''(ii) CALENDAR YEAR 2013 AND THEREAFTER.—Subject to clauses (iii) and (iv), for the purposes of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with

the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

''(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

''(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—For calendar year 2013 and each calendar year thereafter—

''(I) the applicable volume referred to in clause (ii) shall contain a minimum of 250,000,000 gallons that are derived from cellulosic biomass; and

''(II) the 2.5-to-1 ratio referred to in paragraph (4) shall not apply.

''(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be not less than the product obtained by multiplying—

''(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

''(II) the ratio that—

''(aa) 8,000,000,000 gallons of renewable fuel; bears to

''(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2005 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refineries, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

''(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

''(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

''(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

''(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

''(5) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide—

''(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

''(ii) for the generation of an appropriate amount of credits for biodiesel; and

''(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

''(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance for the calendar year in which the credit was generated.

''(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

''(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

''(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

''(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

''(A) STUDY.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

''(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

''(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

''(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

''(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

''(D) PERIODS.—The 2 periods referred to in this paragraph are—

''(i) April through September; and

''(ii) January through March and October through December.

''(E) EXCLUSION.—Renewable fuel blended or consumed in calendar year 2006 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

''(F) STATE EXEMPTION FROM SEASONALITY REQUIREMENTS.—Notwithstanding any other provision of law, the seasonality requirement relating to renewable fuel use established by this paragraph shall not apply to any State that has received a waiver under section 209(b).

''(7) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply.

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

''(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2006, on a national, regional, or State basis.

''(B) REQUIRED EVALUATIONS.—The study shall evaluate renewable fuel—

''(i) supplies and prices;

''(ii) blendstock supplies; and

''(iii) supply and distribution system capabilities.

''(C) RECOMMENDATIONS BY THE SECRETARY.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

''(D) WAIVER.—

''(i) IN GENERAL.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar year 2006.

''(ii) NO EFFECT ON WAIVER AUTHORITY.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

''(9) SMALL REFINERIES.—

''(A) TEMPORARY EXEMPTION.—

''(i) IN GENERAL.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

''(ii) EXTENSION OF EXEMPTION.—

''(I) STUDY BY SECRETARY OF ENERGY.—Not later than December 31, 2008, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

''(II) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be

subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

''(B) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

''(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

''(ii) EVALUATION OF PETITIONS.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

''(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

''(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

''(D) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

''(10) ETHANOL MARKET CONCENTRATION ANALYSIS.—

''(A) ANALYSIS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

''(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

''(B) REPORT.—Not later than December 1, 2005, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).

''(p) RENEWABLE FUEL SAFE HARBOR.—

''(1) IN GENERAL.—

''(A) SAFE HARBOR.—Notwithstanding any other provision of Federal or State law, no renewable fuel (as defined in subsection (o)(1)) used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing renewable fuel, shall be deemed to be defective in design or manufacture by reason of the fact that the fuel is, or contains, renewable fuel, if—

''(i) the fuel does not violate a control or prohibition imposed by the Administrator under this section; and

''(ii) the manufacturer of the fuel is in compliance with all requests for information under subsection (b).

''(B) SAFE HARBOR NOT APPLICABLE.—In any case in which subparagraph (A) does not apply to a quantity of fuel, the existence of a design defect or manufacturing defect with respect to the fuel shall be determined under otherwise applicable law.

''(2) EXCEPTION.—This subsection does not apply to ethers.

''(3) APPLICABILITY.—This subsection applies with respect to all claims filed on or after the date of enactment of this subsection.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

(c) EXCLUSION FROM ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXCLUSION FROM ETHANOL WAIVER.—

''(A) PROMULGATION OF REGULATIONS.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

''(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

''(C) EFFECTIVE DATE.—

''(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

''(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

''(II) 1 year after the date of receipt of the notification.

''(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

''(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

''(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

''(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

''(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.''.

SEC. 212. RENEWABLE FUEL.

(a) IN GENERAL.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

''SEC. 212. RENEWABLE FUEL.

''(a) DEFINITIONS.—In this section:

''(1) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

''(2) RFG STATE.—The term 'RFG State' means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) SURVEY OF RENEWABLE FUEL MARKET.—

''(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

''(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

''(i) conventional gasoline containing ethanol;

''(ii) reformulated gasoline containing ethanol;

''(iii) conventional gasoline containing renewable fuel; and

''(iv) reformulated gasoline containing renewable fuel; and

''(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

''(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

''(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

''(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

''(c) CELLULOSIC BIOMASS ETHANOL AND MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

''(1) IN GENERAL.—Funds may be provided for the cost (as defined in the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of loan guarantees issued under title XIV of the Energy Policy Act of 2005 to carry out commercial demonstration projects for celluosic biomass and sucrose-derived ethanol and cellulosic biomass-derived liquid alternative fuels.

''(2) DEMONSTRATION PROJECTS.—

''(A) IN GENERAL.—The Secretary shall issue loan guarantees under this section to carry out not more than 4 projects to commercially demonstrate the feasibility and viability of producing cellulosic biomass ethanol, sucrose-derived ethanol, or cellulosic biomass-derived liquid alternative fuels, including at least 1 project that uses cereal straw as a feedstock and 1 project that uses municipal solid waste as a feedstock.

''(B) DESIGN CAPACITY.—Each project shall have a design capacity to produce at least 30,000,000 gallons of cellulosic biomass ethanol or cellulosic biomass-derived liquid alternative fuels each year.

''(3) APPLICANT ASSURANCES.—An applicant for a loan guarantee under this section shall provide assurances, satisfactory to the Secretary, that—

''(A) the project design has been validated through the operation of a continuous process facility with a cumulative output of at least 50,000 gallons of ethanol or cellulosic biomass-derived liquid alternative fuels;

''(B) the project has been subject to a full technical review;

''(C) the project is covered by adequate project performance guarantees;

''(D) the project, with the loan guarantee, is economically viable; and

''(E) there is a reasonable assurance of repayment of the guaranteed loan.

''(4) LIMITATIONS.—

''(A) MAXIMUM GUARANTEE.—Except as provided in subparagraph (B), a loan guarantee under this section may be issued for up to 80 percent of the estimated cost of a project, but may not exceed $250,000,000 for a project.

''(B) ADDITIONAL GUARANTEES.—

''(i) IN GENERAL.—The Secretary may issue additional loan guarantees for a project to cover up to 80 percent of the excess of actual project cost over estimated project cost but not to exceed 15 percent of the amount of the original guarantee.

''(ii) PRINCIPAL AND INTEREST.—Subject to subparagraph (A), the Secretary shall guarantee 100 percent of the principal and interest of a loan made under subparagraph (A).

''(5) EQUITY CONTRIBUTIONS.—To be eligible for a loan guarantee under this section, an applicant for the loan guarantee shall have binding commitments from equity investors to provide an initial equity contribution of at least 20 percent of the total project cost.

''(6) INSUFFICIENT AMOUNTS.—If the amount made available to carry out this section is insufficient to allow the Secretary to make loan guarantees for 3 projects described in subsection (b), the Secretary shall issue loan guarantees for 1 or more qualifying projects under this section in the order in which the applications for the projects are received by the Secretary.

''(7) APPROVAL.—An application for a loan guarantee under this section shall be approved or disapproved by the Secretary not later than 90 days after the application is received by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the Mississippi State University and the Oklahoma State University, $4,000,000 for each of fiscal years 2005 through 2007.

''(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

''(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2006 through 2010.

''(f) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

''(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

''(A) is located in the United States; and

''(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

''(A) $250,000,000 for fiscal year 2005; and

''(B) $400,000,000 for fiscal year 2006.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

''Sec. 212. Renewable fuels''.

SEC. 213. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

''(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

''(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

''(A) the quantity of renewable fuels produced;

''(B) the cost of production;

''(C) the cost of blending and marketing;

''(D) the quantity of renewable fuels blended;

''(E) the quantity of renewable fuels imported; and

''(F) market price data.''.

Subtitle C—Federal Reformulated Fuels

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Federal Reformulated Fuels Act of 2005''.

SEC. 222. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by inserting ''and section 9010'' before ''if''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

''(1) by a State (pursuant to section 9003(h)(7)) acting under—

''(A) a program approved under section 9004; or

''(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

''(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

''SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

''(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2005, to remain available until expended; and

''(2) to carry out section 9010—

''(A) $50,000,000 for fiscal year 2005; and

''(B) $30,000,000 for fiscal years 2006 through 2010.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention and compliance.

''Sec. 9011. Authorization of appropriations.''.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. 223. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as ''MTBE'') has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) increased use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be needed to implement that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled ''Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline'' and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) RESTRICTIONS ON USE OF MTBE.—

''(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

''(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

''(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

''(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

''(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—

''(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

''(I) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

''(II) any other fuel additive that meets the criteria specified in subparagraph (B).

''(B) CRITERIA.—The criteria referred to in subparagraph (A) are that—

''(i) use of the fuel additive is consistent with this subsection;

''(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

''(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

''(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

''(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

''(i) is located in the United States; and

''(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

''(I) beginning on the date of enactment of this paragraph; and

''(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2008.''.

(d) NO EFFECT ON LAW CONCERNING STATE AUTHORITY.—The amendments made by subsection (c) have no effect on any law enacted or in effect before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 224. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking ''(including the oxygen content requirement contained in subparagraph (B))'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) APPLICABILITY.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

''(i) DEFINITION OF PADD.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

''(ii) REGULATIONS CONCERNING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

''(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

''(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 2001 and 2002.

''(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

''(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

''(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

''(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

''(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and

''(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

''(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

''(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

''(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

''(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2006, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).''.

(c) COMMINGLING.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

''(11) COMMINGLING.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

''(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

''(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.''.

(d) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) ADJUSTMENT OF STANDARDS.—

(A) APPLICABILITY.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 2001 and 2002;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 2001 and 2002; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 211(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 2001 and 2002 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. 225. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether;

''(II) tertiary amyl methyl ether;

''(III) di-isopropyl ether;

''(IV) tertiary butyl alcohol;

''(V) other ethers and heavy alcohols, as determined by then Administrator;

''(VI) ethanol;

''(VII) iso-octane; and

''(VIII) alkylates; and

''(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

''(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

''(i) the national energy laboratories; and

''(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).''.

SEC. 226. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 205(a)) is amended by inserting after subsection (p) the following:

''(q) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2005.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this section, not later than 4 years after the date of enactment of this paragraph, the Administrator shall develop and finalize an emissions model that reflects, to the maximum extent practicable, the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2007.

''(3) PERMEATION EFFECTS STUDY.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study, and report to Congress the results of the study, on the effects of ethanol content in gasoline on permeation, the process by which fuel molecules migrate through the elastomeric materials (rubber and plastic parts) that make up the fuel and fuel vapor systems of a motor vehicle.

''(B) EVAPORATIVE EMISSIONS.—The study shall include estimates of the increase in total evaporative emissions likely to result from the use of gasoline with ethanol content in a motor vehicle, and the fleet of motor vehicles, due to permeation.''.

SEC. 227. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) OZONE TRANSPORT REGION.—

''(i) APPLICATION OF PROHIBITION.—

''(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

''(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

''(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

''(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

''(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

''(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

''(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

''(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

''(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

''(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.''.

SEC. 228. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking ''(C) A State'' and inserting the following:

''(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

''(i) IN GENERAL.—A State''; and

(2) by adding at the end the following:

''(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.''.

SEC. 229. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

SEC. 230. ADVANCED BIOFUEL TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Agriculture and the Biomass Research and Development Technical Advisory Committee established under section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note), establish a program, to be known as the ''Advanced Biofuel Technologies Program'', to demonstrate advanced technologies for the production of alternative transportation fuels.

(b) PRIORITY.—In carrying out the program under subsection (a), the Administrator shall give priority to projects that enhance the geographical diversity of alternative fuels production and utilize feedstocks that represent 10 percent or less of ethanol or biodiesel fuel production in the United States during the previous fiscal year.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—As part of the program under subsection (a), the Administrator shall fund demonstration projects—

(A) to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol and cellulosic biomass-derived liquid alternative fuel (as defined in section 211(o)(1) of the Clean Air Act (as amended by section 211(a))); and

(B) to develop not less than 5 technologies for coproducing value-added bioproducts (such as fertilizers, herbicides, and pesticides) resulting from the production of biodiesel fuel.

(2) ADMINISTRATION.—Demonstration projects under this subsection shall be—

(A) conducted based on a merit-reviewed, competitive process; and

(B) subject to the cost-sharing requirements of section 1002.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2005 through 2009.

SEC. 231. SUGAR CANE ETHANOL PROGRAM.

(a) DEFINITION OF PROGRAM.—In this section, the term ''program'' means the Sugar Cane Ethanol Program established by subsection (b).

(b) ESTABLISHMENT.—There is established within the Environmental Protection Agency a program to be known as the ''Sugar Cane Ethanol Program''.

(c) PROJECT.—

(1) IN GENERAL.—Subject to the availability of appropriations under subsection (d), in carrying out the program, the Administrator of the Environmental Protection Agency shall establish a project that is—

(A) carried out in multiple States—

(i) in each of which is produced cane sugar that is eligible for loans under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), or a similar subsequent authority; and

(ii) at the option of each such State, that have an incentive program that requires the use of ethanol in the State; and

(B) designed to study the production of ethanol from cane sugar, sugarcane, and sugarcane byproducts.

(2) REQUIREMENTS.—A project described in paragraph (1) shall—

(A) be limited to the production of ethanol in the States of Florida, Louisiana, Texas, and Hawaii in a way similar to the existing program for the processing of corn for ethanol to demonstrate that the process may be applicable to cane sugar, sugarcane, and sugarcane byproducts;

(B) include information on the ways in which the scale of production may be replicated once the sugar cane industry has located sites for, and constructed, ethanol production facilities; and

(C) not last more than 3 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section $36,000,000, to remain available until expended.

Subtitle B—Insular Energy

SA 794. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 10, strike lines 5 through 8 and insert the following:

(2) INSTITUTION OF HIGHER EDUCATION.—

(A) IN GENERAL.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1065 (20 U.S.C. 1001(a)).

(B) INCLUSION.—The term ''institution of higher education'' includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of 1 or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with 1 or more of those organizations.

On page 121, lines 9 and 10, strike ''subsection (a)'' and insert ''paragraph (1)''.

On page 223, line 16, strike ''date of enactment of this Act'' and insert ''effective date of this section''.

On page 225, between lines 4 and 5, insert the following:

(e) EFFECTIVE DATE.—This section takes effect on October 1, 2006.

On page 451, line 8, insert ''manufacturability,'' after ''electronic controls''.

On page 452, strike lines 8 and 9 and insert the following:

''(b) MEMBERSHIP.—The Task Force shall be

On page 452, line 15, strike ''members'' and insert ''Federal employees''.

On page 452, strike lines 18 through 21.

On page 478, between lines 9 and 10, insert the following:

SEC. 916. BUILDING STANDARDS.

(a) DEFINITION OF HIGH PERFORMANCE BUILDING.—In this section, the term ''high performance building'' means a building that integrates and optimizes energy efficiency, durability, life-cycle performance, and occupant productivity.

(b) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Institute of Building Sciences to—

(1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the research, development and demonstration activities of the Department;

(2) determine if additional research is required, based on the findings of the assessment; and,

(3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) GRANT AND TECHNICAL ASSISTANCE PROGRAM.—Consistent with subsection (b), the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 et seq.), and the amendments made by that Act, the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

On page 497, line 13, strike ''using thermochemical processes''.

On page 505, line 23, strike ''proton exchange membrane''.

On page 742, line 8, strike ''Power'' and insert ''Energy Regulatory''.

On page 755, after line 25, insert the following:

SEC. 1329. OVERALL EMPLOYMENT IN A HYDROGEN ECONOMY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a study of the likely effects of a transition to a hydrogen economy on overall employment in the United States.

(2) CONTENTS.—In completing the study, the Secretary shall take into consideration—

(A) the replacement effects of new goods and services;

(B) international competition;

(C) workforce training requirements;

(D) multiple possible fuel cycles, including usage of raw materials;

(E) rates of market penetration of technologies; and

(F) regional variations based on geography.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the findings, conclusions, and recommendations of the study under subsection (a).

SA 795. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. SENSE OF THE SENATE REGARDING INCLUSION OF LIABILITY WAIVER TO MTBE PRODUCERS.

It is the sense of the Senate that the Senate conferees should not agree to the inclusion of a provision in the conference report that would grant a liability waiver to MTBE producers.

SA 796. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 697, between lines 6 and 7, insert the following:

SEC. 127___. FAIR COMPETITION AND FINANCIAL INTEGRITY.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

''(i)(1) In this subsection, the terms 'affiliate', 'associate company', and 'public-utility company' have the meanings given those terms in section 1272 of the Energy Policy Act of 2005.

''(2)(A) Not later than 1 year after the date of enactment of this subsection, the Commission shall issue regulations to regulate transactions between public-utility companies and affiliates and associate companies of the public-utility companies.

''(B) At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public-utility company and an affiliate or associate company of the public-utility company, that—

''(i) any business activity other than public-utility company business shall be conducted through 1 or more affiliates or associate companies, which shall be independent, separate, and distinct entities from the public-utility company;

''(ii) the affiliate or associate company shall—

''(I) maintain separate books, accounts, memoranda, and other records; and

''(II) prepare separate financial statements;

''(iii)(I) the public-utility company shall conduct the transaction in a manner that is consistent with the transactions among nonaffiliated and nonassociated companies; and

''(II) the public-utility company shall not use its status as a monopoly franchise to confer on its affiliate, or associate company, any unfair competitive advantage;

''(iv) the public-utility company shall not declare or pay any dividend on any security of the public-utility company in contravention of such regulations as the Commission considers appropriate to protect the financial integrity of the public-utility company;

''(v) the public-utility company shall have at least 1 independent director on its board of directors;

''(vi) the affiliate or associate company shall not structure its governance nor shall it acquire any loan, loan guarantee, or other indebtedness in a manner that would permit creditors to have recourse against the tangible or intangible assets of the public-utility company;

''(vii) the public-utility company shall not—

''(I) commingle any tangible or intangible assets or liabilities of the public-utility company with any assets or liabilities of an affiliate, or associate company, of the public-utility company; or

''(II) pledge or encumber any assets of the public-utility company on behalf of an affiliate, or associate company, of the public-utility company;

''(viii)(I) the public-utility company shall not cross-subsidize or shift costs from an affiliate, or associate company, of the public-utility company to the public-utility company; and

''(II) the public-utility company shall disclose and fully value, at the market value or other value specified by the Commission, any tangible or intangible assets or services by the public-utility company that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, an affiliate, or associate company of the public-utility company; and

''(ix) electricity and natural gas consumers and investors—

''(I) shall be protected against the financial risks of public-utility company diversification and transactions with and among affiliates and associate companies of public-utility companies; and

''(II) shall not be subject to rates or charges that are not reasonably related to the provision of electricity or natural gas service.

''(3) This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public-utility companies that are more stringent than those provided under the regulations issued under paragraph (2).

''(4) It shall be unlawful for a public-utility company to enter into or take any action in the performance of any transaction with any affiliate, or associate company, of a public-utility company in violation of the regulations issued under paragraph (2).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on June 16, 2005, at 10 a.m. to conduct a hearing on ''Meeting the Housing and Service Needs of Seniors.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 10 a.m., on a hearing to Examine Federal Legislative Solutions to Data Breach and Identity Theft.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 2:30 p.m. on the nominations of William Jeffrey, to be Director of the National Institute of Standards and Technology, Ashok Kaveeshwar, to be Administrator of the Research and Innovative Technology Administration, Edmund S. Hawley, to be Assistant Secretary of Homeland Security, and Israel Hernandez, to be Assistant Secretary of Commerce and Director General of the U.S. Foreign and Commercial Service.

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

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 16, 2005, at 10:30 a.m., to consider an original bill entitled, ''Energy Policy Tax Incentives Act of 2005''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, 2005 at 9:30 a.m. to hold a hearing on Stabilization and Reconstruction.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 16, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Education.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 16, 2005, at 9:30 a.m., in Senate Dirksen Office Building room 226. The agenda will be provided when it becomes available today.

Agenda

I. Nominations: Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Rachel Brand, to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher, to be an Assistant Attorney General for the Criminal Division.

II. Bills: S. 491, Christopher Kangas Fallen Firefighter Apprentice Act [Specter, Leahy]

III. Matters: Senate Judiciary Committee Rules.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 16, 2005, at 3 p.m., to hold a confirmation hearing.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 16, 2005, at 9:30 a.m., for a hearing entitled ''Civilian Contractors Who Cheat On Their Taxes And What Should Be Done About It.''

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent Lydia Olander and Joseph Helble, two fellows from the Office of Senator LIEBERMAN, be granted floor privileges during consideration of this Energy bill.

I also ask that during the pendency of the Energy bill, the following interns from my office be permitted privileges on the floor: Amaris Singer, Jed Drolet, Mike Garcia, Ed Kellum, Katy Sterba, Anna Wadsworth, and Matt Shunkomolah.

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

Mrs. CLINTON. I ask unanimous consent that Melissa Ho, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the Energy bill.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jeff Muhs, a science fellow in my office, be granted the privilege of the floor during the pendency of the energy.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's executive calendar.

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

Mr. FRIST. Calendar 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and all nominations on the Secretary's desk. I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2007. (Reappointment)

OVERSEAS PRIVATE INVESTMENT CORPORATION

Christopher J. Hanley, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2006.

DEPARTMENT OF STATE

Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Eduardo Aguirre, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Roger Dwayne Pierce, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Republic of Cape Verde.

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Molly Hering Bordonaro, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Richard J. Griffm, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Robert Johann Dieter, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Zalmay Khalilzad, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

Rodolphe M. Vallee, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service,

Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Ann Louise Wagner, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Terence Patrick McCulley, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

[NEW REPORTS]

Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

FOREIGN SERVICE

PN120–3 FOREIGN SERVICE nominations (3) beginning Donald B. Clark, and ending Michael T. Fritz, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 2005.

PN387 FOREIGN SERVICE nominations (96) beginning Christine Elder, and ending Samantha Carl Yoder, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN388 FOREIGN SERVICE nominations (101) beginning Todd B. Avery, and ending John P. Yorro, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN389 FOREIGN SERVICE nominations (167) beginning Michael Hutchinson, and ending Marie Zulueta, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

PN485 FOREIGN SERVICE nominations (122) beginning Charles W. Howell, and ending Hector U. Zuccolotto, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2005.

NOMINATION OF RODOLPHE ''SKIP'' VALLEE

Mr. LEAHY. Madam President, I am pleased that the nomination of Rodolphe ''Skip'' Vallee to be Ambassador to the Slovak Republic has been confirmed so expeditiously. This is an important post, and I am confident that he will serve honorably.

Skip is a native Vermonter whose family has lived in the State for generations, and I know he will take his strong Vermont values with him to Slovakia. While we may not always agree on political matters, I have great respect for Skip's integrity, intelligence, and commitment.

During his hearing before the Senate Foreign Relations Committee, Skip discussed a number of initiatives he will undertake in this position; from enhancing trade opportunities to promoting democracy. His business experience will be of immense value as the Slovak Republic seeks to build its economy and integrate itself more fully into the global economy.

While I will miss seeing Skip in Vermont, I know I am joined by Vermonters in saying how proud I am to have one of our own representing our country overseas. I would like to congratulate Skip and his family and wish them the best in this new endeavor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECOGNIZING BURMESE DEMOCRACY ACTIVIST AND NOBEL PEACE PRIZE LAUREATE AUNG SAN SUU KYI

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 174, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 174) recognizing Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I would just like to add a real note of appreciation to an individual, Jackson Cox, who has spent much time focusing on this issue of Burmese democracy.

The resolution sponsored by Senators MCCONNELL and FEINSTEIN is a resolution celebrating the tremendous struggle for freedom in Burma. Jackson Cox is someone for whom I have tremendous respect, who has focused on that initiative. I do want to recognize his tremendous work.

Mr. MCCONNELL. Madam President, along with my colleagues from California, Arizona, Tennessee and Indiana, I support this resolution recognizing Burmese democracy activist and Nobel Peace Prize laureate Aung San Suu Kyi as a symbol of the struggle for freedom in Burma.

While many may know of the horrors committed in Burma by the illegitimate State Peace and Development Council, SPDC, and the courage, dignity and determination of Suu Kyi and her compatriots in the face of this repression, some people may be unaware that June 19 marks Suu Kyi's 60th birthday.

I would like nothing more than to pick up the telephone and call her in Rangoon to give her best wishes on her birthday. However, I cannot. Nor can anyone else. Suu Kyi remains under house arrest by the SPDC.

In addition to my colleagues in the Unofficial Burma Caucus in the Senate—Senators FEINSTEIN, MCCAIN, FRIST and LUGAR to name but a few—it is important to recognize the expressions of support for Suu Kyi and democracy in Burma by other stalwarts of freedom, including Georgian President Mikheil Saakashvili, Mongolian Prime Minister Elbegdorj Tskahiagiin, former Czech Republic President Vaclav Havel, former Malaysian Deputy Prime Minister Anwar Ibrahim, and a litany of fellow Nobel Peace Prize recipients. I ask that statements by President Saakashvili and Prime Minister Elbegdorj be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MCCONNELL. Let me close by reiterating the call for the immediate and unconditional release of Suu Kyi and all prisoners of conscience in Burma. I urge Secretary of State Rice to encourage regional neighbors and allies to redouble their efforts to support freedom in Burma when she attends the 12th Association of Southeast Asian Nations regional forum, and post-ministerial meetings in Laos.

Happy birthday, Suu Kyi. You continue to be in our thoughts and prayers.

EXHIBIT 1

STATEMENT IN SUPPORT OF AUNG SAN SUU KYI AND FREEDOM IN BURMA

I want to extend my warm greetings to those attending this important ceremony and most of all to offer my heartfelt support to Nobel Peace Prize Laureate Aung San Suu Kyi. It is a tragedy that she could not be celebrating her birthday among her family, friends and the Burmese people. Her continued jailing is a powerful symbol of the strength of Burma's democracy movement and the weakness of those trying to block this country's path to freedom.

There are those who try to argue that democracy and individual rights are Western ideals. How wrong they are. In Mongolia, our constitution guarantees the right to life, religious tolerance, the right to own property, the right to a free press and free expression, and for the public to bring grievances before their democratically elected representatives. These are not Western ideals, these are rights that each of us inherit at birth from our Supreme Creator.

Today, Burma is ruled by a military regime that inflicts death, terror and fear on the people in their struggle to maintain power. History as written by the Czechs, Poles, Hungarians, Serbs, Georgians, Ukrainians, Romanians, Indonesians, we Mongolians and many others has proven that freedom in the face of tyranny will triumph. Burma's generals should take this history to heart.

Friends, it is up to each of us living in free societies to reach out and help those living under oppression to find their freedom. I can assure the Burmese people of one thing: No dictatorship, no military regime, no authoritarian government can stand against the collective will of a people determined to be tree.

Tonight, as darkness settles across Mongolia, I will light a candle and place it in the front window of my residence as a symbol of hope and support for the Burmese people and Aung San Suu Kyi—Prime Minister Elbegdorj Tskahiagiin.

STATEMENT BY PRESIDENT MIKHEIL SAAKASHVILI IN COMMEMORATION OF AUNG SAN SUU KYI AND DEMOCRACY IN BURMA

On behalf of the Georgian people I want to extend our collective greetings to the Senators, Congressmen, and freedom activists gathered here in support of Nobel Peace Prize Laureate Aung San Suu Kyi. Her continued arrest by Burma's military junta is an outrage, her courage in the face of terror and intimidation serves as an inspiration to those throughout the world who cherish freedom and democracy.

In 1990 the Burmese people voted overwhelmingly in parliamentary elections for Aung San Suu Kyi and her National League for Democracy (NLD) to lead them into a new era based on democratic governance. The junta has refused to recognize the results of this election. Each day they must wage war on the Burmese people, using murder, terror and intimidation, to keep their hold on power. This is a war they are destined to lose.

We in Georgia understand first-hand what it is like to live under tyranny and the sacrifices necessary to gain liberty. Following

the collapse of Soviet rule, Georgians embraced democracy and set about building a new society dedicated to human rights and the rule of law. When our democracy was hijacked by corruption, the Georgian people went to the streets and took it back in what is now known as the Rose Revolution. Today, individual freedoms are guaranteed, religious and ethnic groups celebrated, and we are working out at the peace table differences that once threatened our territorial integrity. I am proud to say that democracy is alive and well in Georgia, but our work is far from finished.

It is up to those who are free to join the fight of the oppressed. I know that the winds of freedom that have blown across Georgia, touched off an Orange Revolution in Ukraine, spawned a Tulip Revolution in Kyrgyzstan, and shook the cedars of Lebanon will someday soon reach Burma. To the millions of Burmese who are imprisoned with Aung San Suu Kyi in their own country, I say this: Doi Yea (Our Cause)! Because your cause is our cause. Wherever freedom-loving people rise up to carry on the legacy of the Rose Revolution, the spirit and support of the Georgian people stand with you.

RECOGNIZING DAW AUNG SAN SUU KYI

Mr. SALAZAR. Madam. President, I rise today to take a moment to recognize a woman on the occasion of her 60 birthday, a woman whose leadership and courage in her home country of Burma inspires the people of that country and the world to continue to fight for democracy and human rights.

Daw Aung San Suu Kyi has devoted her life to fighting for peace in a country whose people live under an oppressive one-party socialist government known as the State Law and Restoration Council, SLORC. This government is responsible for the deaths of thousands of its own people and the unjust imprisonment of untold more. Suu Kyi remains the only detained Nobel Peace Laureate in the world.

Suu Kyi was born in Burma in 1945 to General Aung San, the leader of the Burmese movement for independence from Great Britain. After his group achieved Burmese independence and took control of the government, he was assassinated for his democratic beliefs and practices. Suu Kyi left Burma and moved to India with her mother after she became the Burmese Ambassador to India in 1960. Although Suu Kyi was only 2 when her father was killed, it was his legacy that inspired her to head the National League for Democracy, NLD when she returned to Myanmar after graduating from Oxford University many years later.

Under her leadership, the NLD won the general election in 1990 with a landslide victory. However, the SLORC refused to acknowledge their win and put the elected pro-democracy leaders under house arrest, including Suu Kyi.

Although no longer in prison, Suu Kyi is not allowed to travel freely due to restrictions by the Burmese Government. As a result, she will not leave the country out of fear of being permanently exiled from her homeland. Her commitment to her people is so enduring that she is willing to forsake seeing her children who live abroad ever again.

Suu Kyi has inspired countless other Burmese supporters and the world to focus global attention on this conflict. In my State of Colorado, for example, many people from that country have relocated to Boulder. One such person is former Burmese princess Inge Sargent who founded the Burma Lifeline. This organization funds refugee camps along the Thai border and works in conjunction with other groups such as the Shan Women Action Network. Inge Sargent was awarded the United Nations International Human Rights Award in 2000.

In an effort to lend my voice to the efforts of Senator MCCONNELL and Inge Sargent, I am happy have joined with 42 other Senators as a cosponsor of a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

It is because of brave women like Suu Kyi and the hundreds of people from Burma who have made Colorado their home that Burma has a bright future. Yet the struggle is far from over; these brave leaders will not be free until Suu Kyi's call for democracy is answered.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 174) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 174

Whereas June 19, 2005 marks the 60th birthday of Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi;

Whereas Burma is misruled by the State Peace and Development Council, an illegitimate, repressive military junta led by General Than Shwe;

Whereas although the main opposition party in Burma, the National League for Democracy, won a landslide victory in national elections in 1990, the State Peace and Development Council has refused to honor the results of that election and peacefully transfer power in Burma;

Whereas the State Peace and Development Council as a matter of policy carries out a campaign of violence and intimidation against the people of Burma and ethnic minorities that includes the use of rape, torture, and terror;

Whereas hundreds of democracy activists, including Aung San Suu Kyi who is the leader of the National League for Democracy, remain imprisoned by the repressive State Peace and Development Council; and

Whereas the United States and other democratic countries recognize and applaud the dedication and commitment to freedom demonstrated by Aung San Suu Kyi and the people of Burma: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Burmese democracy activist and Nobel Peace Prize Laureate Aung San Suu Kyi as a symbol of the spirit and dedication of the people of Burma who are courageously and nonviolently struggling for freedom, human rights, and justice;

(2) calls for the immediate and unconditional release of Aung San Suu Kyi and all other prisoners of conscience who are held by the State Peace and Development Council, the illegitimate, repressive military junta in power in Burma; and

(3) strongly urges Secretary of State Condoleezza Rice to initiate a discussion of the repressive practices of the State Peace and Development Council during the 12th Association of Southeast Asian Nations regional forum and post-ministerial meeting scheduled to take place in Vientiane, Laos on July 29, 2005.

COMMENDING UNIVERSITY OF MICHIGAN'S SOFTBALL TEAM

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 175 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 175) commending the University of Michigan's softball team for winning the National Collegiate Athletic Association Division I Championship on June 8, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Madam President, it is with great pride that I congratulate the University of Michigan Softball Team on winning the 2005 National Championship. The Wolverines completed an impressive season by defeating the two-time defending champion University of California-Los Angeles Bruins two games to one in thrilling fashion capped by a three run home run in the tenth inning of the final game of the 2005 College World Series. This victory marks the first time a team east of the Mississippi River has won this title and cements the University of Michigan program as a true national powerhouse in college softball. The Wolverines played with superb skill and dogged determination throughout the season and in the World Series to clinch their first championship, the second National Championship ever for a women's athletic program at the University of Michigan.

The top ranked Wolverines entered Wednesday night's game hungry for the final win that would secure their first National Championship trophy. The Wolverines and Bruins split the first two games of the best of three series and were locked in a fierce battle in the third and final game to determine the ultimate victor. The Wolverines and Bruins ended regulation with the score tied at one run each. The tenth inning would prove pivotal as Samantha Findlay seized this opportunity and hit a three run homer to provide the boost necessary to secure this extra innings win. This grand display of athleticism, coupled with her play throughout the postseason, helped earn Findlay the Women's College World Series Most Valuable Player Award.

That victory provided the perfect ending to a remarkable season for the

University of Michigan Softball Team. After a 32 game winning streak at the beginning of the season, the Wolverines became the Nation's top-ranked college softball program for the first time in school history, and they were able to maintain the top ranking for the rest of the season. The Wolverines ended the season with 65 wins and 7 losses, the best record in school history and was one of three schools in NCAA history to hit 100 home runs in a season.

Many members of the Wolverine team have been honored for their efforts both on and off of the field. Eight of the team's 19 members were named to the Big Ten all-conference team, including five on the Big Ten first team. Perhaps even more impressive is that six Wolverine players were named to the spring 2005 Academic All-Big Ten Conference team. The Wolverines' pitcher, Jennie Ritter, was honored with the Big Ten Pitcher of the Year title and was a finalist for the Amateur Softball Association's USA Softball Collegiate Player of the Year. A member of the Big Ten second team, Samantha Findlay, earned an award as the Big Ten Freshman of the Year. The 2005 University of Michigan Softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy.

This season proved to be an especially memorable one for Head Coach Carol Hutchins for several reasons. Coach Hutchins eclipsed the 900 career win mark during the season, and her 940th win resulted in a championship for the Wolverines. She currently enjoys the distinction of being the most victorious coach in University of Michigan history and currently ranks among the top ten Division I active coaches in career wins and winning percentage.

As we honor this impressive triumph, I am reminded of the many times I have had the pleasure of congratulating a strong Wolverine team. Michigan can be proud of this most recent success, their fifty-second National Championship in school history. I am proud to join Senator STABENOW in congratulating the University of Michigan Softball Team on winning the 2005 Softball National Championship. I know my Senate colleagues share my admiration of the poise, skill and hard work necessary to achieve this milestone.

Ms. STABENOW. Madam President, I rise today to congratualte the University of Michigan softball team on winning the National Collegiate Athletic Association championship on June 8, 2005.

Coach Carol Hutchins's team completed a remarkable season last Wednesday on national television when Michigan took a 4–1 lead after freshman first baseman Samantha Findlay hit a three run homer in the 10th inning.

The 2005 University of Michigan softball team had a remarkable and historic season. They were recognized mid-season as the top ranked collegiate softball team in America. They went on to win both the Big Ten regular season championship and Big Ten Tournament title and then advanced to their eighth Women's College World Series to defeat the two-time defending champion UCLA Bruins in the three-game series finals.

I am very proud of the women on this University of Michigan team which finished with a school record of 65 wins and 7 losses. Several of Michigan's players received honors during the season for their spectacular play and at the end of the year for their consistent excellence during the season. In fact, the Women's College World Series Most Outstanding Player honors went to Samantha Findlay, the first freshman position player to be so recognized. In addition, three Michigan players were nominated for the USA Softball Collegiate Player of the Year, two of which are finalists for the award.

The 2005 University of Michigan softball team was also very exciting to watch because they hit a home run in 57 of 65 games during the 2005 season. They are just one of three schools in NCAA history to hit 100 home runs in a season. Michigan's fans recognized this and came out in support of their team all year, setting a single-season home attendance record and bringing in the top five crowds in program history.

Most importantly may be the honor given to six University of Michigan softball players that were named to the spring 2005 Academic All-Big Ten Conference team. I am a strong supporter of women's athletics and believe that through their participation and accomplishments the women of University of Michigan's 2005 national championship softball team, and all the other women involved in collegiate athletics, provide powerful and very positive message to girls and young women in our country.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 175) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 175

Whereas the top-ranked University of Michigan softball team defeated the University of California–Los Angeles (UCLA) Bruins in the Women's College World Series 2 games to 1, becoming only the eighth team to win the National Collegiate Athletic Association (NCAA) Softball Championship and the first Big Ten Conference team to claim a national title in softball or baseball since 1966;

Whereas the University of Michigan softball team clinched the 2005 Women's College World Series in an exciting extra-innings game with a 3-run homer in the 10th inning to win 4 to 1;

Whereas the University of Michigan softball team hit a home run in 57 of 65 games during the 2005 season and is just 1 of 3 schools in NCAA history to hit 100 home runs in a season;

Whereas in 2005, the University of Michigan softball team earned its first Number 1 ranking in school history and won its tenth Big Ten Conference championship and seventh Big Ten Tournament title en route to advancing to its eighth Women's College World Series;

Whereas the NCAA championship title marks the 52nd national championship for a sports program at the University of Michigan, the second for a women's athletic program at Michigan, and the first for a softball program east of the Mississippi River;

Whereas the University of Michigan softball team mounted an impressive season record of 65 wins and 7 losses;

Whereas Coach Carol Hutchins eclipsed the 900 win mark, capping a stellar 21 year career at Michigan that has seen her become the most victorious coach in University of Michigan history, currently ranking among the top 10 Division I active coaches, with 940 career wins and a .729 winning percentage;

Whereas 2 University of Michigan softball players, shortstop Jessica Merchant and pitcher Jennie Ritter, were finalists for the USA Softball Collegiate Player of the Year Award;

Whereas a record-tying 8 players from the University of Michigan softball team were named to the Big Ten All-Conference Team, and 6 players were named to the Spring 2005 Academic All-Big Ten Conference Team;

Whereas the University of Michigan softball team was led by the solid coaching of Carol Hutchins, Bonnie Tholl, Jennifer Brundage, and Jennifer Teague;

Whereas players on the University of Michigan softball team included Stephanie Bercaw, Angie Danis, Samantha Findlay, Alessandra Giampaolo, Tiffany Haas, Lauren Holland, Jennifer Kreinbrink, Grace Leutele, Becky Marx, Jessica Merchant, Rebekah Milian, Nicole Motycka, Jennie Ritter, Lauren Talbot, Michelle Teschler, Michelle Weatherdon, Lorilyn Wilson, Stephanie Winter, and Tiffany Worthy; and

Whereas Michigan had tremendous support from its hometown fans during their season, setting a home attendance record in 2005, and bringing in the 5 largest crowds in program history: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Michigan softball team for winning the 2005 National Collegiate Athletic Association Division I Championship on June 8, 2005;

(2) recognizes all of the players and coaches who were instrumental in this achievement; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the University of Michigan athletic department for appropriate display.

ORDER TO PRINT AS A SENATE DOCUMENT

Mr. FRIST. Madam President, I ask unanimous consent that tribute statements regarding former Senator Exon be printed as a Senate document, provided that Senators have until the

close of business on June 30 to submit such statements.

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

ORDERS FOR TUESDAY, JUNE 20, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m, on Monday, June 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill; provided further that at 5 p.m. on Monday the Senate proceed to executive session for the consideration of Calendar No. 103, John Bolton to be Ambassador to the United Nations; I further ask consent that the time until 6 p.m. be equally divided between the two leaders or their designees and at 6 p.m. the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider then be agreed to, and the Senate then proceed to a vote on cloture on the Bolton nomination.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the Energy bill. We began the Energy bill earlier this week, and we do plan to continue working aggressively on that bill with amendments also Monday afternoon and with the hope that we will be able to debate amendments and set votes in relation to those amendments as needed.

At 6 p.m. on Monday, as we just agreed to, we will vote on a motion to invoke cloture on the Bolton nomination.

With respect to the Energy bill, as we have said again and again, next week will be the final week for consideration. It is vitally important we finally complete action on a national energy policy, and we need to bring this bill to a close soon.

Having said that, as the Democratic leader and I had a colloquy earlier today and pointed out, it may be necessary to file cloture. If so, we will do so, in all likelihood, on Tuesday night to ensure that we finish next week. If that cloture motion is necessary, the vote would not occur until Thursday. Therefore, Members would have ample time to offer and consider their amendments prior to that vote.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator SESSIONS.

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

The Senator from Alabama.

THE TREATMENT OF PRISONERS AT GUANTANAMO

Mr. SESSIONS. Mr. President, I heard a good deal of the remarks of the distinguished Senator from Arizona, Mr. KYL, as he discussed the issues surrounding the treatment of prisoners at Guantanamo and the actions of our military. I could not agree with him more. He is one of the Senate's finest lawyers. He is on the Judiciary Committee, where we just had hearings, and has been involved in these issues for some time. In fact, I serve with him on the Judiciary Committee and am also a Member of the Armed Services Committee.

I would have to say to this body that our Congress has had a total of 29-plus hearings involving the handling of prisoners since the war on terrorism began. I think I have been at most of them. Most of them have been before the Armed Services Committee and Judiciary Committee. We have had a host of these hearings. We have had witnesses and complainants and issues brought up to us time and time again.

Yesterday, at our hearing in Judiciary, I really reached a point where I just felt I had to speak out. It was in the morning before Senator DURBIN made his remarks. But it was something I felt deeply, and it became more and more clear to me: that is, we in this Senate are creating an impression around the world that wholesale violations of human rights are occurring in our prisons, and this is absolutely not true.

Members of our own Congress have suggested and even stated that it is the policy of our country to abuse and violate prisoners' rights. This is completely misstating the true facts that are occurring. Anyone who visits the Guantanamo prison—and I believe that some 60-odd Congressmen and Senators have been there, including my own visit to the temporary facility several years ago—would find a new $150-million prison right on the top of the island overlooking the water. It is a beautiful site where they built this prison. It is a shame really that a prison was built there, but it is part of the military base where it is located. These prisoners are being given tremendous medical care. They are being treated for their diseases, for the parasites with which many of them have become infested. They have been cared for effectively. They have gained weight. They are provided food at a financial cost substantially exceeding that of other prisoners in America and soldiers in the U.S. military. We have treated the Koran with respect and the highest esteem and tried to handle these prisoners in a way that is appropriate.

I will say a couple of things. It is important we treat these prisoners humanely, because we have high ideals as Americans. There are thousands of prisoners and we have thousands of soldiers involved in this area. That someone would overstep their bounds is not something we would not expect. It happens in American prisons every day. Prison guards are fined, they are removed, they are fired, they are prosecuted for abuse. We do not like to admit that, but it happens. We take care of it in America. We do not allow this to continue.

The facts are these detainees at Guantanamo are detainees who are being held consistent with the general principles of the Geneva Conventions but are not covered by that convention. As Senator KYL noted, they are not lawful combatants, they are unlawful combatants. They are people who sneak into a country. They do not wear a uniform. They are not part of any state army. Their goal is to kill innocent civilians, men and women and children not involved in a war effort at all. The purpose of the Geneva Conventions is to help one army identify the members of the other army and to encourage those armies not to endanger civilians, but to focus their attention on their enemy and to deal with them. These prisoners are entirely different. They do not qualify for those conventions. But we provide them great protections, anyway.

We have spent $109 million on the prison there at Guantanamo. We are going to spend another $50 million making it even better. I don't see that there is any basis to move those prisoners, to alter what we are doing there and to create a new prison. How would that make us any safer if that were to occur?

Let me share this about the 500 or so prisoners who are there. In the course of this war on terrorism, our country has apprehended 10,000 detainees, individuals who have been captured. Each one has been screened carefully. As a result, some 750 have been identified for incarceration at Guantanamo, the worst of the worst. Since that time, we have continued to monitor them. Each one of them has had a full review. As that has occurred, another 200 have been released and we are down now to a little more than 500 at Guantanamo. I note of the 200 released, some 12 have already been rearrested as they go about their efforts to kill Americans and American soldiers. They have been rearrested, because they returned to battle. This clearly suggest that of those other 500 detainees remaining, many of those are dedicated totally to killing American citizens. They believe in what they are doing. They are sold on this effort. They are implacable in their goal and intentions and should not be confused with the normal prisoners of war where you have a soldier who was drafted into an army and they go out and get captured and they dutifully stay in their prison until the war is over.

What do you do with prisoners of war or these kind of prisoners? Prisoners of

war are held until the war is over. You do not turn them loose so they can then re-engage in killing your soldiers. That is the crisis.

When will the war end? I am not sure. So we have people say, they have to all be released. You cannot hold them because this war might go on forever.

Might, might, might. We are talking about now. It has not been going on that long. Most have only been held 1, 2, 3 years. This is not the time to be wholesale releasing these people. This battle is tough and hot right now. If you do not believe it, look at what is happening in Iraq and how many are killed by these attacks, surreptitious sneak attacks by roadside bombs in that country. This war is not over. It is ongoing.

We are lucky and have been fortunate that because we were aggressive, we as a nation have not had another attack on our homeland since September 11. But we know they would like to do that. We know they are attacking places all over the globe.

A number of Supreme Court decisions has impacted how these prisoners are to be held. The Department of Defense created, therefore, as a result of the court rulings what is called the combatant status review tribunal. Every prisoner in Guantanamo has been reviewed by the combatant status review tribunal. Annually, each prisoner there goes before the ARB, which is an annual review board, sort of like a parole board. If they can justify letting these prisoners go on that annual review, they let them go because the last thing we need is to be housing a bunch of prisoners that do not amount to a threat to our people.

I will share this. I will not continue too long tonight. I want to share a few facts that are important. We are committed as a nation to high standards of duty in handling those we capture. Since this war has begun, there have been 10 major commissions and investigations empaneled to review allegations of misconduct. We have had commission after commission, review after review and, as I said, 29 plus congressional hearings. We have been alert to ensuring that prisoners are not abused in any systematic way and that those who violate the law are prosecuted for it.

Let me carry on. There have been 1,700 interviews as a part of these investigations; 16,000 pages of documents delivered to Congress. Detention operation enhancements to improve our detention operations range from increased oversight to expanded training of the guards to improved facilities and new doctrines.

When we have had a problem, we have dealt with it, we have confronted it, and we have improved the situation.

Mr. President, 390-plus criminal investigations of American soldiers and Guards have been completed or are ongoing. More than 40 staff briefings have been given to the staff members of the Congress. People are being held accountable. They are really being held accountable. One general officer has been removed from command, received a general officer memorandum of reprimand. Thirty-five soldiers have been referred to trial by court-martial—35. Sixty-eight soldiers have received nonjudicial punishment, which is a career ender. Twenty-two memoranda of reprimand have been issued. Eighteen soldiers have been administratively separated from the Army. The Navy has had nine receive nonjudicial punishment. Fifteen marines have been convicted by court-martial. Seven received nonjudicial punishment, and four have been reprimanded.

We know in Abu Ghraib there was this uproar. This story had been broken by the media, one Senator said yesterday at our hearing. But if you remember, it was the general who made the briefing every day to the news media who announced, days before the media had any report of these abuses in Abu Ghraib, he had reports of abuses in Abu Ghraib prison and investigations were being commenced. And they commenced immediately. People were removed from command immediately and no more abuses took place in that prison from that date onward.

We know since then, because we have had hearings and newspaper articles and investigative reports on TV, that these people who violated the rights of those prisoners were tried and convicted and are being sent to jail for long periods of time.

Although none were seriously physically injured, as I recall, they were humiliated and handled in a way unbecoming of an American soldier. Those soldiers have been disciplined severely for their errors, and rightly so. I think it is something we should be proud of.

Do you remember the colonel whose soldiers were under attack? He needed information from an Iraqi, and to get it, he fired a gun near the Iraqi's head. He did not hurt him in any way. And this terrorist gave information that helped save soldiers' lives. And they cashiered him out of the Army because he was not allowed to use that kind of action. We had a marine officer—who after 9/11 gave up his stock brokerage job to go and serve his country—be prosecuted, it now appears falsely, by a lower ranking soldier who made complaints against him, a soldier he had referred for disciplinary action. After full review, they dismissed all charges.

This record is clear. This Government, our Nation, does not tolerate abuse. We have taken strong actions to see that it is not allowed and does not continue. But we have a duty to protect the people of our Nation. These detainees, these terrorists, who are being held, these unlawful combatants present a risk to us.

Some say, well, somehow we have made this all happen by being aggressive militarily. But I would remind my colleagues that for almost 20 years al-Qaida, and groups like that, have been attacking our embassies, our marines, our soldiers—our warships, the USS *Cole*—around the globe. We had been in a constant state of combat with Saddam Hussein truthfully since the gulf war in 1991. Up until the actual commencement of these hostilities, we were flying missions to enforce the no-fly zone under the U.N. resolutions. He was firing missiles at our aircraft, and we were dropping bombs on him.

This is a dangerous part of the globe. That is why the Congress, when President Clinton was President, passed a resolution setting the policy of this Government to effect a regime change in Iraq.

So this is what it is all about. It is a dangerous world out there. I want to call on my colleagues, with the greatest sincerity, to be careful what we say. Do not be telling the media, the world, speaking out in ways that suggest it is a policy in the actions of our military routinely to abuse prisoners. If prisoners are unlawfully treated, the guards are prosecuted. And the people who did it are prosecuted. It is not our policy to abuse prisoners. It does not happen on a regular basis. We do not tolerate it. We will not tolerate it. We will comply with the law and treat people appropriately.

But when Senators come in hearings and to this floor and make statements in the news media—and when the news media writes reports, as was done about the Koran, saying it was flushed down the toilet—they had to retract that story, bad things happen. After the false Koran incident a riot occurred because people in the Middle East believed that was true. They believed what they read in our national news, that we were unfairly or disrespectfully treating the Koran. Whereas in Guantanamo, our guards use gloves. They hold the Koran with both hands, in every way try to treat it in a respectful manner and make sure that every prisoner there is provided a copy, if they desire.

So this is bad when we create a climate in this body that falsely characterizes our people. Yes, we make mistakes. Yes, if we do, they need to be fixed, and people ought to be punished. And I have shown we are punishing them. But it is wrong and irresponsible, and it places our soldiers whom we have sent in harm's way at greater risk when we suggest to that entire region of the world that we do not respect the faith of Islamic peoples, that we do not treat respectfully the prisoners who we apprehend, and that we are irresponsible, maybe even carrying on activities that are so bad as to be compared with Hitler, Pol Pot, or the Soviet Union. Those irresponsible comments can cost soldiers' lives. We need to be careful about it. If someone has proof of an individual act that amounts to a crime, let's see them bring it forward. Let's have an investigation. If somebody deserves to be prosecuted, let's prosecute them. But if not, quit making these statements. I think we

have had enough hearings. As far as I am concerned, 29-plus is enough.

The military has demonstrated, with all clarity, that they are prepared and willing to honestly and aggressively prosecute wrongdoers. They are also committed to protecting our citizens. They have given their lives, many of them, in that effort. They volunteered to serve in our military. They are the finest military this world has ever known. In the heat of combat they have shown restraint. They have not used heavy weapons, and they have held back in order to be sure innocent civilians are not injured. They do everything they can on a daily basis to reach out to the people of Iraq and Afghanistan, to appeal to their hearts and minds, to encourage them on the road to building a new and better life for themselves and their families. They do the things that Americans have no idea of on a daily basis to try to reach out and reconcile and improve our relationship with the people in that area of the globe.

It is positively damaging to that effort when Members of Congress make the kinds of statements that have been made, when news media outlets, great organs of information, make mistakes, twist, exaggerate, misrepresent things that have occurred. It is not right. We need to show more responsibility. We need to show more discipline. It is not justified. No matter how strongly one feels politically and wants to try to blame the President for all these things, it is not just being heard in this body, it is not just the American people who are hearing criticisms of the President. These comments are being heard throughout the globe. It is not helpful to our efforts to build a better and more peaceful world.

I thank the Chair for the opportunity to say these words, late at night though it is. I believe we are at a point where our Congress needs to improve its behavior. We need to show more restraint. If we do so, this will allow our soldiers to have a better chance to succeed at the difficult mission they have and the one they are working at so ably and so courageously.

I yield the floor.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 20, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 20, 2005.

Thereupon, the Senate, at 7:35 p.m., adjourned until Monday, June 20, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2005:

DEPARTMENT OF DEFENSE

JOHN G. GRIMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN P. STENBIT.

DEPARTMENT OF JUSTICE

WAN J. KIM, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL,VICE RENE ACOSTA, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOMINATED, SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be commander

PAUL L SCHATTGEN
HARRIS B HALVERSON II
BARRY K CHOY
MICHAEL D FRANCISCO
MARK P MORAN
DOUGLAS D BAIRD, JR
DANIEL S MORRIS, JR
DAVID A SCORE
STEPHEN F BECKWITH

To be lieutenant commander

JAMES A ILLG
ALEXANDRA R VON SAUNDER
ROBERT A KAMPHAUS
RICHARD T BRENNAN
ADAM D DUNBAR
PETER C FISCHEL
JEREMY M ADAMS
DAVID J DEMERS
MICHAEL J SILAH
SCOTT M SIROIS
DEVIN R BRAKOB
SARAH L SCHERER
DAVID J ZEZULA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. PETERSON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 16, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007.

OVERSEAS PRIVATE INVESTMENT CORPORATION

CHRISTOPHER J. HANLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2006.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO BE AMBASSADOR TO FRANCE.

EDUARDO AGUIRRE, JR., OF TEXAS, TO BE AMBASSADOR TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO ANDORRA.

ROGER DWAYNE PIERCE, OF VIRGINIA, TO BE AMBASSADOR TO REPUBLIC OF CAPE VERDE.

DONALD E. BOOTH, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

ROBERT JOHANN DIETER, OF COLORADO, TO BE AMBASSADOR TO BELIZE.

ZALMAY KHALILZAD, OF MARYLAND, TO BE AMBASSADOR TO IRAQ.

RODOLPHE M. VALLEE, OF VERMONT, TO BE AMBASSADOR TO THE SLOVAK REPUBLIC.

PAMELA E. BRIDGEWATER, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF GHANA.

ANN LOUISE WAGNER, OF MISSOURI, TO BE AMBASSADOR TO LUXEMBOURG.

TERENCE PATRICK MCCULLEY, OF OREGON, TO BE AMBASSADOR TO THE REPUBLIC OF MALI.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DONALD B. CLARK AND ENDING WITH MICHAEL T. FRITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 24, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTINE ELDER AND ENDING WITH SAMANTHA CARL YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TODD B. AVERY AND ENDING WITH JOHN P. YORRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL HUTCHINSON AND ENDING WITH MARIE ZULUETA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHARLES W. HOWELL AND ENDING WITH HECTOR U. ZUCCOLOTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 16, 2005, withdrawing from further Senate consideration the following nomination:

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.